



3 1761 11891046 2

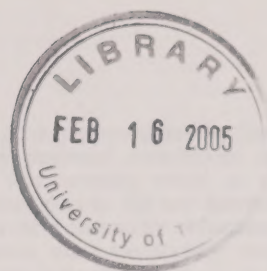


Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761118910462>



CANADA



Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 21

OFFICIAL REPORT
(HANSARD)

Wednesday, December 1, 2004

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, December 1, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE PIERRE BERTON, C.C.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 22(16), I ask for agreement that up to 10 minutes be allowed now for the purpose of paying tribute to Pierre Berton, whose death occurred yesterday.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Jack Austin (Leader of the Government): Honourable senators, it was with great regret that Canadians learned yesterday of the death of Pierre Berton at age 84.

Through his writings, he put a mirror to the face of Canada and showed us our past successes and our future possibilities. Pierre Berton knew so much about us because he had experienced the frontiers of our Far North and the sophistication of our urban centres.

Born in Yukon, he was educated for a time at the University of British Columbia, where he began to learn the art of writing at *The Ubysey*, the campus student newspaper. Over the course of his career, he authored 50 books; he was a long-time newspaper columnist and broadcaster; and he served as editor of *Maclean's* magazine.

Pierre Berton was a member of the Order of Ontario. He became an Officer of the Order of Canada in 1974 and was subsequently promoted to Companion of the Order of Canada in 1986.

Pierre Berton's death signals the passing of a Canadian institution, but anyone familiar with his career knew that he preferred to see himself as an iconoclast. Mr. Berton received many awards — some of them several times — that honour his many accomplishments: Governor General awards, Nelly awards for broadcasting, national newspaper awards, the Stephen Leacock Medal for Humour and the National History Society's first award for distinguished achievement in popularizing Canadian history.

Mr. Berton was a member of the Newsman's Hall of Fame and was awarded 14 honorary degrees, but I believe he retained a modest perspective on his contribution to our country.

Pierre Berton was greatly appreciated by his fellow Canadians because of his deep personal attachment and dedication to Canada. When he was recently voted as one of our great Canadians, he remarked that he did not deserve that recognition, as he saw himself as a mere chronicler of the people who made our country. Pierre Berton characteristically overlooked how he deserved a place amongst the best of Canadians, for he understood us and our special place in the world, as few have. He understood very well the powerful pull of our neighbour to the south and the pull of countries, particularly our founding countries, across the ocean. He saw us examining our relationship with those countries. His writings upheld and strengthened our national identity to an extraordinary extent.

I know very well Pierre Berton's close association with Pierre Trudeau. Both men had an irrepressible optimism about this nation. Pierre Berton became a household name because we saw in him everything we hoped to be — compassionate, funny, insightful, righteous and sometimes rebellious.

Canadians will be forever grateful to Pierre Berton for showing us our accomplishments and our potential. He was one of our greatest cheerleaders.

We thank his wife, Janet, and his many children and grandchildren for sharing him with Canada.

Hon. Pat Carney: Honourable senators, I also wish to pay tribute to Canadian author Pierre Berton who died yesterday at the age of 84, and who gave Canadians a great legacy: Our sense of Canada's history.

Born in Whitehorse, Yukon, Pierre produced some 50 books in 50 years, recreating for his readers some of Canada's most exciting events and achievements, from the gold fields of *Klondike*, his history of the Gold Rush, to *The National Dream* and *The Last Spike*, the building of Canada's national railway which opened the Canadian West and united a country.

Although, as Senator Austin said, Pierre Berton won three Governor General awards, was presented with 14 honorary degrees and was named a Companion of the Order of Canada, most Canadians will remember Pierre as our great national storyteller who made Canadian history come alive. He once famously described a Canadian as "someone who can make love in a canoe"; no doubt, he succeeded.

Allan Fotheringham, who was a fellow panellist with Pierre Burton on the CBC television program *Front Page Challenge*, said many academics resented him because Pierre made Canadian history readable.

A journalist, an army officer, a commentator and a broadcaster, Pierre was a pioneer in every field he entered. At UBC, my old alma mater, he graduated in arts while he majored in skipping classes to work on the student paper *The Ubyssy*. He was the hotshot young reporter of the Vancouver *News Herald* before barnstorming the Toronto publishing world.

He donated his unpretentious family home in Dawson City, Yukon, to writers in residence. He was a great Canadian nationalist and defender of the North.

My favourite story of Berton was how, as a young reporter, he went to Paris to interview that other Yukon Canadian icon, Robert Service, who gave us *The Cremation of Sam McGee* and other Canadian classics. He asked Robert Service, "Don't you miss the Yukon?" Robert Service said, "I never gave it another thought."

He was a founder of the Writers' Trust and other agencies that help writers, whom he unfailingly assisted.

When I met him again in recent years at a Writers' Union event, I was struck by the fact that, though his big body was frail, his intellect was as vigorous as ever.

He will be greatly missed and, on behalf of honourable senators, I extend our thanks and condolences to his wife, Janet, and family.

Hon. Ione Christensen: Honourable senators, I, too, wish to speak to the memory of Pierre Berton. Canada has lost a passionate and readable historian.

While Pierre Berton lived most of his life in the southern part of Canada, he had strong roots and a love of the North, in particular, the Yukon.

Our life paths crossed in a number of ways. Pierre's father came north during the Klondike Gold Rush. When the rush was over, he worked for the government as a mining recorder. His mother came to Dawson City as a teacher just after the Gold Rush and she was my mother's kindergarten teacher. When she married Pierre's father, they moved to Whitehorse, where Pierre was born. The family then moved back to Dawson City in the 1920s and they lived across the street from my grandparents. My grandmother and Ms. Berton were close friends.

The Berton family left Dawson City when Pierre was 12 but, during his university years, he came back for the summers to work in the mining camps.

His first work as a journalist was with *The Vancouver Sun*. At 21 years of age, he was the youngest editor of a Canadian daily. It was in Vancouver that he married his wife, Janet, who, at the time, was the editor of the opposition paper, *The Province*.

In 1979, when I resigned as Commissioner of the Yukon, I was invited to be a guest on *Front Page Challenge*. It did not take Pierre long to nail down that story.

• (1340)

In 1985, Parks Canada was celebrating its one-hundredth anniversary and Pierre and his family were invited to do a boat trip from Whitehorse to Dawson. My father, who was then 85 years old, and I were invited to be the river guides for the trip. As a member of the RCMP, my father had used the Yukon River as his patrol highway for many years and that same trip had been made by Pierre's father in 1898.

It was a 10 day trip, and all of Pierre's children and most of their spouses, as well as his wife, Janet, were part of the armada. Pierre took charge of the cooking and cleaning up and arranging the entertainment. We were broken into nine teams, each responsible for an evening presentation. It was all run with military precision, and we all had great fun.

Pierre returned to the Yukon whenever possible. The establishment of his old home in Dawson as a "writer in residence home" has become a coveted retreat for Canadian writers practising their craft.

His book *Klondike*, and the later photo publication *Klondike Quest*, are still the best documentation of the Klondike Gold Rush.

Pierre has left us with a wealth of documented history and has shown us what a proud and colourful country we are. We have lost a great Canadian pioneer and a Yukon sourdough.

[Translation]

WORLD AIDS DAY

Hon. Lucie Pépin: Honourable senators, I rise on this first day of December to draw your attention to World AIDS Day. AIDS is a growing pandemic. Despite all of our efforts, the spread of HIV is faster than our response to it.

Here in this country, AIDS continues to take lives because people have become complacent about HIV. We still are faced with the challenge of raising people's awareness and fighting discrimination against those with the virus.

The number of people living with AIDS throughout the world has increased to close to 40 million, a record high, according to the annual report of UNAIDS and the WHO. This report also draws attention to the increasingly female face of the epidemic. In every region of the world, the number of women with the virus has increased.

There is a direct link between the various forms of violence to women and this growth in HIV infection rates. Many women have been infected as a result of rape, a form of violence used increasingly as a weapon of war. The increase in domestic violence is another factor in the spread of AIDS.

In countries where the virus is prevalent, many women do not have the basic knowledge to protect themselves against HIV. Women's chronic lack of power also makes them vulnerable. In many societies — dominated by men, of course — women and

girls continue to bear the burden of their partners' irresponsible behaviour. In addition, for millions of other women, the sex trade is unfortunately their only source of revenue.

Efforts to help women must be strengthened in sub-Saharan Africa, the most severely affected region. In that part of the world, nearly 60 per cent of adults living with HIV are women, and 76 per cent of those aged 15 to 24 living with the virus are girls. That is staggering. Nearly an entire generation may be wiped out. According to UNICEF, in South Africa and Zimbabwe, where nearly one quarter of the adult population is infected, AIDS will kill nearly half of the people now 15 years old. These young people are the future of their countries. In some places, AIDS is a real factor in economic decline.

Nine people out of ten across the world are still in need of treatment. Even though the drugs now exist in less expensive generic forms, they are still inaccessible to many millions of people. We must continue to be generous, and — why not — speak out in favour of making them free in certain countries where AIDS has caused life expectancies to drop below 40 years.

We must become more involved. I urge you, honourable senators, to continue to support all those who are working to eliminate this scourge.

[English]

Hon. Wilbert J. Keon: Honourable senators, today marks the sixteenth annual World AIDS Day, a day set aside to remember those who have died from this terrible disease and to pledge our support for those who live with it. Over 39 million people around the world are currently infected, including an estimated 56,000 in Canada.

The global infection rate is now the highest it has ever been. Despite all the efforts that have been made to raise AIDS prevention awareness around the world, this year 4.9 million people became infected.

AIDS is a disease still without a cure, although scientists have made great progress in their work to find a vaccine. I am proud to say that Canadian scientists play an important part in this research through the Canadian HIV Vaccine Enterprise. We have invested \$15 million in the first year, but once again our American friends put us to shame, promising an investment of \$1 billion over the next two years.

AIDS robs people everywhere of their health and their future. In sub-Saharan Africa, it has destroyed communities and created a generation of orphans, some 15 million of them.

Increasingly, women are bearing the burden of this disease, not just as caregivers, but also as victims. AIDS infection rates in women increased worldwide in 2004. This growing problem is related in the focus of this year's World AIDS Day, which is "Women, Girls, HIV and AIDS."

Africa, as is so often the case, is especially hard hit. UNAIDS reports that women comprise 57 per cent of all infected people. Seventy-six per cent of people infected with HIV between the ages of 15 and 24 who live in this region of Africa are female. Today, the World Health Organization and UNAIDS have jointly called on all countries to ensure that women receive equal access to both treatment and prevention programs.

Canada has made many commitments over the past year to help the international fight against AIDS, such as pledging increased financial support to the Global Fund to Fight AIDS, Tuberculosis and Malaria and the World Health Organization's 3 by 5 Initiative, which aims to treat 3 million Africans by 2005.

I am sure all honourable senators will join me in urging our government to strongly support this movement.

CANADA'S CHILDREN

Hon. Landon Pearson: Honourable senators, November 20 was National Child Day. I was unable to speak last week, so I rise this afternoon to celebrate Canada's children because in my view children should be celebrated every day of the year.

Most of Canada's children, I am happy to say, are doing well, but alas not all. We still have far too many children on the margins of Canadian society who are abused, neglected, exploited or living in poverty, as we were reminded last week by Campaign 2000's annual report. Fifteen years after the adoption of the United Nations Convention on the Rights of the Child, we still have a long way to go.

That being said, I do believe that thanks to the children's convention and to symbolic events such as National Child Day, we are now more and more aware of how important our children are to us all and how we must fight to protect their rights and ensure their well-being. I am encouraged by the fact there is considerable evidence that communities are rallying.

I spent much of National Child Day with children in Montreal and Ottawa. I ended the day at a multi-generational, multi-faith feast where a table was set with a plate of food for the "unknown child" in Canada or abroad who would be going to bed hungry that night. Ottawans from diverse backgrounds were present at this event to honour not only children but also the individuals of our community, men and women alike, who have demonstrated how much they care about them.

Events such as the Manger Meal, as well as the highly successful National Child Day celebration held here in the Senate on November 19 — thanks to Senators Mercer and Munson — fill me with hope, the kind of hope each one of us feels when we hold a brand new baby in our arms, a new life full of possibilities and a new chance for us all. They convince me more than ever that we have to get the circumstances right for all our children to grow and develop. We have to do more to build a Canada fit for children.

[Translation]

THE EXECUTION OF MARGARET HASSAN

Hon. Madeleine Plamondon: Honourable senators, I would like to share with you today the revulsion many Canadians will be feeling for a very long time and for which there was no demonstration on the Hill. I want to talk about what happened to Margaret Hassan, the Anglo-Iraqi director of the humanitarian organization CARE, who was assassinated in a cowardly manner. While this took place a while back, it still haunts me every night. She was kidnapped and assassinated for no reason. Margaret Hassan did nothing but help others for 30 years of her life. She was not armed. She had denounced no one. She had no enemies. Hers was a gratuitous murder.

Honourable senators, barbarity has plumbed new depths. These are not just enemies in a conflict. They are cowards who use innocent people as shields. I am appalled by this new aspect of world conflicts. My concern is that such acts will be trivialized, for several reasons.

• (1350)

First, because innocent people are murdered when traditional armed conflict is not enough, in the eyes of terrorists, to shake world public opinion. Second, because decapitation and the assassination of innocent people are becoming so commonplace that an escalation of terror is to be feared.

When will it be the turn of children and old people to be tortured live on TV? What are we waiting for to get involved? Canada is a peaceful country. Our government must initiate processes for sustainable peace.

[English]

I wonder whether the Prime Minister of Canada and the President of the United States found time at their meeting last evening to discuss the killing of innocent people who are not involved in military conflicts.

[Translation]

Honourable senators, the world needs peace that fosters reconciliation, not peace at the price of innocent victims like Margaret Hassan being killed.

ROUTINE PROCEEDINGS

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Lise Bacon: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 4:00 p.m. on Wednesday, December 1st, 2004, even though the Senate

may then be sitting and that Rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY BILINGUAL STATUS OF THE CITY OF OTTAWA

Hon. Serge Joyal: Honourable senators, I give notice that on Thursday, December 2, 2004, I will move:

That the petitions tabled during the Third Session of the Thirty-seventh Parliament calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

That the Committee consider the merits of amending section 16 of the *Constitution Act, 1867*; and

That the Committee report to the Senate no later than April 30, 2005.

[English]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Jeremiah S. Grafstein: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit at 4 p.m. today, Wednesday, December 1, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Eymard G. Corbin: Could the honourable senator explain why this leave has been sought? This is the second committee to request such a leave. I understand that the leadership may come to some agreement beforehand, but the rest of us do not know the reason.

The Hon. the Speaker: We have dealt with the motion and it is completed business. However, I am certain that honourable senators would like to hear an answer to the honourable senator's question. Would Senator Grafstein care to respond to Senator Corbin's question?

Hon. Jeremiah S. Grafstein: I welcome the question.

As honourable senators know, we were told by our leadership yesterday that we would have a short sitting then as well as a short sitting today. The Senate has directed the Banking Committee to move expeditiously on a number of studies, including a study on charitable giving. In order to have some appropriate input to the budget, it is important that the committee meet as soon as possible. The time for the committee to hear testimony was planned for four hours, from 4 p.m. until 8 p.m., but that has been curtailed as of today when the committee was informed that it could not do that. Therefore, the witness testimony has been collapsed into two hours. Senators have been told that the Senate would sit until 6 p.m. today. The committee has witnesses standing by from Ottawa and outside the area to attend this meeting. Hence, it is a question of being fair to the witnesses and to the work of the Senate.

Hon. Marcel Prud'homme: For years I have strongly objected to this practice, which has nothing to do with the excellent work of the Banking Committee specifically. I am concerned that there might not be enough senators remaining in the chamber to make quorum after 4 p.m. I made my views known yesterday regarding the Foreign Affairs Committee receiving permission to sit today during the Senate sitting. Today, we have two committees asking for the same privilege. Again, my concern is that there might not be 15 senators in the house for quorum if too many committees are given leave to sit at that time. I am concerned about these exceptions. Yesterday the circumstances were exceptional.

The Chairman of the Banking Committee also sits on the Foreign Affairs Committee. I do not know how he will divide his time when the two committees meet concurrently. It is a long-established principle that the house adjourns at 4 p.m. I do not see much business on the *Order Paper and Notice Paper* today, so perhaps the leaders could consider the usual adjournment time for Wednesday. That would put the matter to rest. If the Senate had an unusually heavy agenda, that would be another matter. The Senate should adjourn at the usual time for a Wednesday to avoid another honourable senator asking for leave to sit. I am sure that the Leader of the Government understands the difficulties that proceeding in this matter can present — senators wanting to be in committee and in the house at the same time. Perhaps the honourable leader could tell the house whether it will adjourn at 4 p.m. today.

Hon. Jack Austin (Leader of the Government): Honourable senators, it is always difficult to judge the time required to conduct business in the chamber. However, I have a personal optimism that we may be able to finish our business by 4 p.m. today. If we do not finish, then perhaps we could entertain the motion at that time.

Senator Grafstein: On a point of order, honourable senators, was the motion carried?

The Hon. the Speaker: I should point out that points of order are not allowed during Routine Proceedings. However, questions as to where we are in our proceedings will be allowed. The honourable senator is asking where we are in our proceedings. I had asked for leave of all senators to allow Senator Corbin to put a question to Senator Grafstein. The question is customarily put before leave is granted. I pointed out that I had put the question, I had asked senators if there was agreement, and I had heard senators agree. The matter was completed. That is our custom; and that is what I did.

• (1400)

Having said that, I sense opprobrium on the part of some senators. When leave is requested, I should be more vigilant to pause to ensure that senators who wish to ask questions or withhold leave have a fair opportunity to do so. I thought I had done so. In future I will pause for a longer period before proceeding.

Senator Prud'homme: However, leave is granted.

IMPLEMENTATION OF “A CANADA FIT FOR CHILDREN”

PRESENTATION OF PETITION

Hon. Landon Pearson: Honourable senators, in demonstration of my earlier remarks, I rise to present 801 petitions, which were inspired by National Child Day, submitted by residents from all regions of Canada, including the West, the Territories, Ontario, Quebec and the Atlantic, calling for the implementation of Canada's national plan of action for children entitled, “A Canada Fit For Children.”

QUESTION PERIOD

HERITAGE

CHILDREN OF MOWACHAHT AND MUCHALAHT FIRST NATIONS—REQUEST TO FUND VISIT TO OTTAWA FOR OPENING OF YUQUOT EXHIBIT

Hon. Pat Carney: Honourable senators, my question is directed to the Leader of the Government in the Senate. I am seeking clarification of his answer to a question I asked yesterday regarding funding to bring five Aboriginal youths from Gold River to Ottawa for the opening of the Yuquot exhibit at the Canadian Museum of Civilization.

In his reply, the leader said that the band had never applied for funding and that the first application was in the form of a letter from myself, which is correct.

My point of clarification is this: Is the leader suggesting that a request for funding from a Conservative senator is unacceptable? This band is in a Conservative riding represented by a Conservative MP. Need only Liberal MPs and senators apply for public funds under the Liberal minority government?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Carney's question indicates she has totally misread my answer. I said that there was no application by anyone from the band and, therefore, her letter making representations would be treated as the application.

Senator Carney: The whole point is that the band did apply through me. I am asking: Was that acceptable? Are only Liberal MPs and senators' applications for funds deemed to be proper? The leader's response was that the band had never applied for funding. However, I would point out that the band did apply, through my office.

When we wrote the minister asking her to identify the programs that could be applied for, her letter simply stated that there were none for this type of endeavour. However, the Ministry of Canadian Heritage did have funds: \$50,000 for *Bubbles Galore*, the pornographic movie; \$98,000 for the dumb blond jokes book; and nearly \$200,000 for *Frank the Rabbit*, on how humans and rabbits formulate and justify beliefs.

Could the Leader of the Government ask the minister to identify which programs were used to fund these projects, which were deemed so important to our Canadian heritage?

Senator Austin: Honourable senators, I am absolutely mystified at the failure of my communication to Senator Carney. I said that there was no application from the band directly and, therefore, her letter making representations is taken as the application. It has nothing to do with politics, partisanship, the Liberal Party or the Conservative Party. It is a procedure that I thought was fair and generous on the part of the department.

As to the remainder of the honourable senator's question, these points were made by her before. I said that I would hold a watching brief with the Minister of Canadian Heritage. I said that yesterday, and I will continue to do so.

HEALTH

COMPENSATION TO HEPATITIS C VICTIMS

Hon. Wilbert J. Keon: Honourable senators, my question to the Leader of the Government in the Senate regards compensation for all — I repeat all — hepatitis C victims.

Last week the Minister of Health announced that the federal government will begin talks to provide financial compensation for hepatitis C victims who were excluded from the original compensation package. These people and their families have waited six long years to receive this recognition from the federal government. An estimated 400 tainted blood victims from this group have already died while waiting for some federal assistance, while many others have become very ill.

Could the Leader of the Government in the Senate assure us that discussions aiming to provide these people with compensation will begin very soon?

Hon. Jack Austin (Leader of the Government): Honourable senators, as the honourable senator well knows, the Minister of Health, the Honourable Ujjal Dosanjh, announced on November 22 that the Government of Canada would enter into discussions on options for financial compensation to people who were infected with hepatitis C through the blood system before January 1, 1986 and after July 1, 1990.

I answered a question in this chamber a short while ago advising of the complexity that relates to the existing trust fund which is under the administration of the court and whether those funds were funds that would be available or whether new funds would have to be generated. The legal entitlement of the present beneficiaries is also a complex question. However, the government has announced that it will go forward with talks, and I expect those talks will be held shortly.

Senator Keon: Could the Leader of the Government in the Senate tell us or at least find out and let us know if the original remuneration package that was offered six years ago will stand or, with all the complexities that have entered into this, is the size of the package being changed?

Senator Austin: Honourable senators, since 1998 the Government of Canada has committed approximately \$1.4 billion to compensate and assist those people who were infected with hepatitis C through the blood system between January 1986 and the end of June 1990. I am advised that, of that amount, \$875 million was allocated to a trust fund to fulfil the Government of Canada's financial obligations to those infected under that settlement.

The government has also committed \$525 million for a comprehensive package to support treatment for people infected before January 1, 1986 and after July 1, 1990 and for blood regulation, surveillance, prevention, support and research. The issue, as Senator Keon well understands but which I would like to make clear to honourable senators, is with respect to compensation, not with respect to treatment for this group, which the Government of Canada has supported financially.

CANADA-UNITED STATES RELATIONS

BOVINE SPONGIFORM ENCEPHALOPATHY— OPENING OF BORDER TO LIVE CATTLE

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate.

Yesterday, it was reported that the Prime Minister in his meeting with President Bush was unsuccessful in getting the Canada-U.S. border fully or partially opened to live cattle. We are hearing from more and more Canadian ranchers that they are facing and trying to deal with a precarious situation, namely, bankruptcy.

Honourable senators, ranchers operate on a fine margin at the best of times. However, when some 10 to 12 per cent or more, in some cases, of their herds are culled cows that cannot be sold to out-of-country markets and when the beef consumption market in Canada is finite, ranchers cannot liquidate a significant portion of their operation.

• (1410)

As I said, that is forcing some of them into bankruptcy situations. As a matter of fact, Senator Gustafson told me today that one major operation went down to the tune of \$16 million through no fault of its own.

[Translation]

In Quebec, dairy farmers receive 12 cents a pound for their cull, while they were receiving 65 cents a pound in 2003.

[English]

The Quebec producers are apparently being held hostage to one abattoir.

We now know that the President was referring to younger cattle when he clearly indicated yesterday the possibility of reopening the border. What does the government plan to do in view of these recent developments?

Hon. Jack Austin (Leader of the Government): Honourable senators, a number of questions are in Senator St. Germain's statement, and I will attempt to answer them succinctly.

As the honourable senator knows, the matter of when the U.S. border will reopen is a question under U.S. legal process. The U.S. Department of Agriculture has finalized a rule that would reopen the border to Canadian cattle. That rule has gone to the Office of Management and Budget for review of its impact on the U.S. economy, a process required by their law. The Office of Management and Budget has up to 90 days to review the rule. When that review is complete, then the rule, with its support, would be implemented within 60 days.

That is the situation, and it was reviewed in discussions between the Prime Minister and President Bush at the November 20 meeting of APEC in Santiago, Chile, as well as yesterday.

With respect to the situation of culled cows in Quebec, the difficulty, as I am sure the honourable senator is aware, is that there is only one packing plant. That packing plant, as a private business, is free to purchase its culled cows anywhere it wishes.

I would point out that up until this time, the Government of Canada has supported the cattle industry in the province of Quebec with \$366 million under its Business Risk Management Program.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

Hon. Gerry St. Germain: Honourable senators, the Minister of Foreign Affairs, Pierre Pettigrew, was on CTV a couple of days before the President arrived and spoke definitively in stating that the President would bring forward a definite timeline as to when this dispute would be resolved. Was this man grandstanding? What was the minister doing?

Given the situation that we are facing now as a result of the President's visit, there is no timeline. There is nothing. These ranchers are still in severe trouble. What will the government do to alleviate the pressure as a result of these culled cows? Putting \$366 million into Quebec is great, but it does not deal with the situation. The producers have been on television continually reciting that it does not resolve their situation. What about the producers out West and in Ontario? They count as well, I am sure. Does the minister have an answer for that?

Hon. Jack Austin (Leader of the Government): Certainly, the timeline is the one provided by U.S. law. It cannot be subverted by the President of the United States. This is clear to everyone in the industry. The President of the United States is making it clear that he is urging that the process proceed, that it not be impaired, and he is looking forward to the end of this particular trade irritant between Canada and the United States.

Honourable senators, with respect to the question of whether the cattle industry is suffering, you bet it is. That is well known. The Government of Canada supplied over \$500 million in various programs to the industry, and provinces have supplemented those programs.

I think that Senator St. Germain is aware of the Fed Cattle Set-Aside Program, which concerns auctions in Alberta, Saskatchewan, Manitoba and Ontario. The feeder calf program and the Loan Loss Reserve Program are also available. There are also efforts to expand export markets including the opening of the Hong Kong market to Canadian beef, which was announced a day or two ago.

The Government of Canada is working very closely with the cattle producers and with the provinces to support this situation, and developments are being monitored by the Minister of Agriculture daily.

Senator St. Germain: Honourable senators, this is not my figure, but one of the banks came up with the figure of a \$5-billion loss. There is no way that the federal government has come close to putting \$5 billion into this problem.

A proposal put to the government at the beginning of this year to create a one-time program whereby the ranchers and dairy farmers would be offered \$500 a head to reduce their culled cow numbers so that beef operations could be viable. That would make the entire system viable. The government has not adopted this proposal, and it is apparent that the U.S. and foreign markets will not be opening their markets. The minister has clearly stated that the Office of Management and Budget has to go through its procedures.

First, what was the minister talking about when he was on CTV indicating an immediate resolution? Second, would the government consider the proposal put forward by the Conservative Member of Parliament for Battlefords—Lloydminster that \$500 a head be offered to rationalize the culled cow population right across the country?

Senator Austin: Honourable senators, with respect to the last question, I will make inquiries of the Minister of Agriculture to see what consideration is being given to that particular proposal.

Given that my honourable friend continually refers to some statement that was made, I want to add that everyone is aware that there is a U.S. process. No one was suggesting that the President of the United States could shorten or in any way tamper with the legal process in the United States.

The economic structure of the cattle industry is extremely complex. I know the honourable senator is aware of the complaints of the cattle producers with respect to the way the packing plant industry has been dealing with them and the support that the Government of the Alberta gave to the packing plants rather than to the cattle producers themselves.

There are discussions, but I believe the government has taken all appropriate actions at this time. Many producers placed a bet that the border would be open before now, a business decision that is now leading to a new inventory aged more than 30 months.

What becomes of all this is impossible to predict. In the meantime, I want to assure the honourable senator that the Minister of Agriculture is communicating daily with the industry, the cattle producers, the Canadian Cattlemen's Association and the provinces affected by this serious issue.

• (1420)

Senator St. Germain: Honourable senators, I think that the cattle industry is coming on side with the idea of the payment of \$500 a head. I believe Alberta erred in that the money should have gone directly to the cow-calf producers who are, so to speak, at the bottom of the totem pole. I have been there and know what it is all about. As your cattle are going through an auction, you may have only one potential buyer. Logically, the price is set by that one buyer. Milk producers in Quebec are currently facing the same situation. British Columbians also faced that circumstance. I hope the minister will take the representation to the Minister of Agriculture. The money should get to where it belongs, that is, in the hands of the dairy farmers and the cow-calf producers across this country. I think this \$500 a head idea should be entertained. Would the minister please carry this representation forward?

Senator Austin: Honourable senators, I will certainly carry that representation to the Minister of Agriculture. In the meantime, I know that part of the issue that is being considered by the Government of Canada is the lack of packing capacity and the control that a group of packers — large in economic capacity but small in number — has over a vital part of the whole supply chain.

FOREIGN AFFAIRS

JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— STATUS OF COMMITMENTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Before stating my question, I wish to associate myself with the remarks in the

statement by Senator Keon. On the occasion of World AIDS Day, I would ask the Leader of the Government in the Senate about the Jean Chrétien Pledge to Africa Act. In May 2004, Royal Assent was given to this bill which aims to make it easier to provide generic drugs to poor and developing countries to fight health crises such as tuberculosis, malaria and the AIDS pandemic afflicting African countries in particular. However, passage of the legislation has not yet resulted in any medication being sent to Africa where there is a desperate need for these drugs.

My question is: Can the federal government tell us how much longer it will be before any generic drugs are in fact shipped to Africa, as anticipated last May by the passage of the bill?

Hon. Jack Austin (Leader of the Government): Honourable senators, when the bill was passed, we had great hopes that the program could be put in place quite quickly, but what we are seeing, as Stephen Lewis expressed publicly, is an intra-industry problem which needs to be sorted out.

The government itself cannot manufacture these drugs. The government cannot overrun the legal patent protection that is provided to the pharmaceutical industry. In our sense of the rule of law, we are not prepared to expropriate those property rights. We have facilitated negotiations, and we are discovering that issues we thought were settled between the patent owners and the generic industry are still, to some important extent, outstanding.

On the first part of Senator Oliver's question, I do want to confirm to this house the announcement made today by the Honourable Aileen Carroll, Minister of International Cooperation, that the Canadian International Development Agency will provide close to \$105 million to various initiatives targeting women and young girls infected or affected by HIV/AIDS in developing countries. I would be pleased to provide additional details to honourable senators, should they be interested.

Senator Oliver: Honourable senators, groups on all sides of this particular issue, including the pharmaceutical industry and aid organizations such as Doctors Without Borders, have all pointed out the problems in this legislation that have prevented drugs from reaching Africans to this point and that, perhaps, will prevent that from happening well into the future.

Industry Canada says that the regulations relative to this legislation have yet to be drafted. Once that has been done, it is hoped that they will clarify the issue. Could the Leader of the Government in the Senate tell us when the regulations will be completely drafted, and once drafted, can the minister explain to us the particular way in which it will be easier for the drug makers to export medications to Africa?

Senator Austin: Honourable senators, I, too, look forward to the issuance of those regulations. The problems in those regulations are tied up in the issues that I referred to in answer to the honourable senator's first question. I would be absolutely delighted to bring those regulations to this house and outline them the moment they are promulgated.

Senator Oliver: Does the leader have any idea how much longer that may be?

Senator Austin: I do not, but I will make inquiries.

The Hon. the Speaker: Not much time for Question Period remains, and Senator Andreychuk's name is on my list. I say that so that we may hear from Senator Prud'homme.

JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— PROBLEMS WITH LEGISLATION

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question. If the leader does not have the answer to this now, perhaps it can be given in a written form. What problems occurred in passing and implementing this legislation that were not known at the time it was before the Senate?

Hon. Jack Austin (Leader of the Government): Honourable senators, when the bill was before the Senate it was believed that the intra-industry issues had been resolved, but sometimes that which you think is resolved is not resolved. That is where we find ourselves at the moment with respect to the regulations to which Senator Oliver referred.

Honourable senators, I do not want to deprive Senator Prud'homme of the opportunity to ask a question, but may I have leave to answer orally a question that Senator Di Nino asked yesterday? It has a timed consequence to it.

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: I will ask my question tomorrow honourable senators.

The Hon. the Speaker: May I suggest to Senator Austin that we give leave for him to read the written response to Senator Di Nino's question but after we hear from Senator Prud'homme?

Senator Prud'homme: Honourable senators, I would be delighted to bow to the leadership by asking my question tomorrow.

FOREIGN AFFAIRS

CHINA AND TIBET—REPRESENTATIONS TO COMMUTE DEATH SENTENCE OF TENZIN DELEK RINPOCHE

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the Honourable Senator Prud'homme, because the matter that was raised by Senator Di Nino has some urgency. Yesterday he asked a question regarding the death sentence which was passed in China in the case of Tenzin Delek. I should now like to provide a response.

Tenzen Delek is a Tibetan monk on death row in the Chinese province of Sichuan whose death penalty reprieve reportedly expires on December 2. Canada has expressed serious doubts about the fairness of his trial and about the circumstance of his arrest.

The case dates back to April 2002, when Lobsang Dhondup and Tenzin Delek Rinpoche, who are both well-respected Tibetan monks, were arrested on charges of instigating a series of state targeted bombing incidents in Sichuan province, where they lived.

The trial, which was held on December 2, 2002, was, in our terms, without due process, behind closed doors, and their lawyers were not allowed to attend. Lobsang Dhondup, as Senator Di Nino said yesterday, was sentenced to an immediate death penalty and Tenzin Delek was sentenced to death with a suspension of two years. On January 26, 2003, Lobsang Dhondup was executed after his trial, and the death sentence of Tenzin Delek was reaffirmed with a two-year reprieve.

• (1430)

Our embassy in Beijing has taken this case to the Deputy Director General in the Ministry of Foreign Affairs. We have expressed, in the strongest terms, our disappointment in those sentences, the lack of transparency of judicial procedure and, additionally, our concern about the speed of the trials, the appeals and the execution.

We also cooperated with Norway and Switzerland in an appeal in November 2004, just three weeks ago, with respect to the sentence of Tenzin Delek Rinpoche.

I would also like to advise the Senate that we have raised this case in Beijing, at the level of the Deputy Minister of Foreign Affairs, Mr. Peter Harder, and again when a Canadian delegation met in Beijing in October 2004 during a Canada-China bilateral committee called the Joint Committee on Human Rights.

We continue to press this particular case, and I think we have been as aggressive as we possibly can with respect to it.

Senator Di Nino: Thank you.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed response to a question raised in the Senate on November 25, 2004, by Senator Andreychuk regarding the threats of Rwandan intervention in Congolese territory.

FOREIGN AFFAIRS

RWANDA AND SUDAN—AID AND ASSISTANCE

(Response to question raised by Hon. A. Raynell Andreychuk on November 25, 2004)

The Government of Canada is concerned by the threats of Rwandan intervention in Congolese territory. The Minister of Foreign Affairs and our diplomatic missions in the field (Kinshasa, Nairobi and Kigali) are closely monitoring the situation as it develops.

We are concerned that a military intervention by Rwanda in the Democratic Republic of the Congo could undermine the significant stabilization and peace-building efforts in Africa's Great Lakes Region.

Last week, on the margins of the Francophonie Summit in Ouagadougou, Prime Minister Martin stressed the significant progress made by the International Conference on the Great Lakes Region. Canada actively participated in the Summit of Heads of State in Dar-es-Salaam (November 19-20), as co-chair of the Group of Friends of the Great Lakes Region.

Canada will continue to encourage Rwanda and the Democratic Republic of the Congo to pursue dialogue and cooperate together to honour their commitments to seek peaceful regional solutions. In particular, we urge them to cooperate within the framework of the Tripartite Agreement and the Joint Verification Mechanism, which were specifically designed to address security concerns along the common borders of these two countries.

ORDERS OF THE DAY

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

THIRD READING—DEBATE ADJOURNED

Hon. Serge Joyal moved the third reading of Bill S-10, A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

He said: Honourable senators, I may be a bit too anxious to share with you the importance of this bill at this stage in its legislative progress. I wish to speak about the scope of this bill from two points of view. The first relates to the nature of the bill itself: it is intended to harmonize federal law with common law in the nine Canadian provinces with a common law tradition, and with Quebec civil law, the system that is in use in Quebec.

I shall try to present this bill to you without over-simplification. There can of course be confusion because of the term harmonization. This does not mean that one of the two systems is going to disappear, nor that one will be imposed on the other, but rather that the two will be able to cohabit simultaneously within the same federal legislation.

You will recall that, when the Fathers of Confederation came to defining the responsibilities of each of the two levels of government, the Canadian federal government and the government of the provinces, they clearly recognized in section 92.13 that everything concerning property and civil rights was under provincial jurisdiction. To quote the English of the Constitution:

[English]

It states that everything that deals with or relates to property and civil rights in the province is under the exclusive provincial jurisdiction — not concurrent, not shared but exclusive jurisdiction.

[Translation]

What has happened in the past 137 years? Canadian law, federal law has been based on the common law. The laws adopted by this Parliament, by this chamber in particular, have been prepared with exclusive reference to the common law tradition — the tradition of law used in the nine provinces to which I referred earlier. In the province of Quebec, the civil law of the province of Quebec being different, it is a written law, a code consisting of all the provisions and regulations relating to private law in Quebec. In order to apply federal laws in Quebec, people realized that they would have to try to adapt or mould them to the civil code. It is easy to understand that the genius of the common law system cannot be transposed as is into a written system of civil law originating in another legal source. Hence the importance of trying, when we are drafting and adopting legislation — as we will do later with other legislation on the Orders of the Day — to reflect in the legislative language the concept of both legal traditions, so that it is very clear what is involved when the legislation is applied to Quebec, when it refers to property and civil rights in Quebec, or when it is applied to the other provinces.

[English]

This is a very important exercise because it breaks a tradition or a habit of approaching federal legislation on what I call a “silo” basis. In other words, the two systems are totally compartmentalized, totally separate, and they evolve according to their own merits or genius.

What do we do now with the federal legislation? We understand what there is in the common-law tradition, the concept of the common law tradition. We try to understand very precisely the concepts of the civil law tradition, in the second silo, and we try to reconcile those concepts on a common ground so that when we use a concept, it is applicable with the same substance, the same merit, in both legal traditions.

In other words, we are creating federal legislation. Federal legislation is not meant to compartmentalize the country; it is to make sure that there is a common basis, that there is common, shared legislation that has exactly the same interpretation in the civil law tradition as in the common law tradition.

This is what I call “federative” legislation. Harmonization is a federative initiative of the federal Department of Justice, and it has spanned the last 10 years.

I would like to commend Senator Bacon for her ability in presiding over the Legal Committee's study of Bill S-10. The committee identified that this initiative has many implications. If we are ready to recognize that there is a civil law tradition and there is a common law tradition in Canada, those two traditions did not appear out of the blue. They came to Canada at a point in

time in our history where there was already another tradition, that being the tradition of the Aboriginal peoples. I want to draw the attention of honourable senators to this tradition because it is totally new in parliamentary debate and there is a lot of misconception about it.

On November 18, 2004, the Supreme Court of Canada gave an important, seminal decision in relation to the status of Aboriginal people, that being the famous case of *Haida Nation v. British Columbia (Minister of Forests)*. This decision applies throughout Canada. Six provinces intervened in the case, among them the Attorney General of Ontario, the Attorney General of Quebec and the Attorneys General of Nova Scotia, Alberta and Saskatchewan. I want to quote paragraph 25 of that decision because it establishes the ground on which this bill has implications.

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered. Many bands reconciled their claims with the sovereignty of the Crown through negotiated treaties...The potential rights embedded in these claims are protected by s. 35 of the Constitution Act, 1982. The honour of the Crown requires that these rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiation. While this process continues, the honour of the Crown may require it to consult and, where indicated, accommodate Aboriginal interests.

• (1440)

What does this mean? It means that before there was a civil law tradition in Canada there was an Aboriginal traditional law and customs tradition or system in Canada. This is so much so that, when the Royal Proclamation was made by King George III, whose portrait hangs in our Senate foyer, King George III said very clearly:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

This paragraph of the Royal Proclamation of February 10, 1763, is as valid today as it was in 1763, and it still governs the rights of the Aboriginal people to their rights.

[Translation]

In French, there is an expression which reflects this perfectly: les Autochtones ont le droit à leurs droits.

[English]

They have a constitutional right to claim their rights, as much as we francophones — and I am a francophone — have a right to claim our rights under the Quebec Civil Code. Why? Because in

1774 the same king presided over the adoption of the Quebec Act that reinstated the Civil Code as the law of Lower Canada at that time. As much as, today, I can claim my rights under the Civil Code, the Aboriginal people can claim their rights under the 1763 proclamation, and that is so for a very specific reason. I would again quote from the decision of the Supreme Court, honourable senators. It states:

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered.

They were never conquered. They never yielded their way of life, their identity, their culture, their language or their form of organization of their society to anyone else. The king recognized that and it is under the protection of section 35 of the Constitution that paragraph 25 operates.

Therefore, when the Minister of Justice appeared before our committee, under the chairmanship of Senator Bacon, we asked of him: We are all in support of harmonizing the civil code and common law, but what about the Aboriginal people? I would refer honourable senators to the testimony of the Minister of Justice in the committee, because it is very important for the future of our work that we understand the position of the Department of Justice in relation to the recognition and the entrenchment of the rights of Aboriginal peoples. The Minister of Justice said this:

...I regard it not only for me as a personal commitment but that of our department to work with Aboriginal people in order to identify and to better appreciate Aboriginal legal traditions and to consider how those Aboriginal legal traditions can be mainstreamed effectively within our legal system, which goes beyond even the issues of harmonization.

He gave three examples in that regard. He referred to the work of the Law Reform Commission of Canada. In 2005 the Law Reform Commission of Canada will hold an important seminar to try to define the boundaries of the research that needs to be done to establish the basis for the recognition of the traditional Aboriginal law, private law, into the mainstream of our legal system. The legal scholar of the Law Reform Commission of Canada for the year is John Burroughs, a distinguished scholar of Aboriginal law.

The second point that the Minister of Justice made is the following:

The department is supporting an innovative experiment in legal education at the Akisiraq Law School in Nunavut. It is the first Aboriginal law school that is intended to provide Inuit students with a legal education that is tailored to northern realities. Inuit traditional law is being incorporated throughout the legal education program using the expertise of elders and local educators from across Nunavut and other northern regions.

We have the testimony of the Dean Perret of the University of Ottawa Law School, who told us that the University of Saskatchewan and the University of Ottawa have devised a special program. I should like to quote him to be accurate. Dean Perret called this program:

[Translation]

An Aboriginal pre-law program.

[English]

I would like to quote him:

[Translation]

With the assistance, of course, of legal professionals from these regions, Aboriginals themselves, we have contributed to training — whether at the University of Saskatchewan or at the University of Ottawa — with Aboriginal pre-law programs.

[English]

Honourable senators, this is a most important reality. This bill offers us an opportunity to reflect upon this. I would refer you to the observation that your committee made in its report that was tabled last week in this chamber about the next step we should take.

The report of the committee states:

Your committee fully supports the comments of one of Canada's foremost expert in bijuralism who, in his testimony to the committee, said that he encourages everyone to take the view that bijuralism is by no means exclusionary. Rather, he emphasized that it is an open model that he hoped would lead to a plural model, as time goes on.

This is an important element. Senators St. Germain and Austin will remember, when we debated the Nisga'a bill in this room, that we recognized the sovereignty of the Nisga'a tribes over their territory. In fact, we recognized their rights to their rights. We have had other bills before us, including the bill of Senator St. Germain last week introducing a system to try to establish a procedure for self-government. If we recognize the principle of self-government of Aboriginal people on their territory, on their land, we have to recognize that we are reinstating them in their right to their private rights.

This is a major development and we should applaud it. It is complex, it is difficult, it will take a long time, but it will reinstate the Aboriginal people in their fundamental dignity as first inhabitants of this land, as much as we have to take the initiative to reinstate them in their own language.

I see Senator Gill here, who is an Innu from Quebec. We all know in Quebec that the Huron, having lived for centuries in the proximity of Quebec City, for example, no longer master their language. There is not a single Huron in Canada now who can speak the original language of the Huron. It has been lost through time. It has disappeared.

[Senator Joyal]

As much as we do not want the identity of the Aboriginal people to disappear, the way to organize their civil relationships is as important for their identity as the mastering of their language. What we are doing here in this bill, for the common law and the civil law, is the pathway to that reconciliation and to that recognition of the Aboriginal people's identity.

• (1450)

Honourable senators, I am proud to ask you to support this bill. This is the second bill in a process. We will have the opportunity in years to come to go further in other areas of harmonization, but in the future we must develop ways to strengthen the law tradition of the Aboriginal people as we have the traditions of the civil code and the common law.

Hon. Charlie Watt: Would the Honourable Senator Joyal accept a question?

Senator Joyal: Yes, I would be happy to answer a question.

Senator Watt: Honourable senators, I wish to indicate my strong support for the initiative that was studied by the Standing Senate Committee on Legal and Constitutional Affairs in their review of civil and common law and the attempt to harmonize the two traditions.

Some people might question the concept of harmonization, but I do not think that one can replace the other. I do not think that is the intention of the exercise. I want to ensure that I understand that aspect.

Honourable senators, much can be said about what Senator Joyal just outlined. We need to go further than just looking at the civil and common law.

Aboriginal people in this country have been forgotten in many respects. At times, it is very uncomfortable for us to speak out to describe our thoughts. I will do my best to make myself understood.

When you have been idling in no man's land for many years, you get to the point where you start to doubt your existence. I hope honourable senators understand what I am talking about. Many of our youngsters in this great land fall through the cracks and commit suicide, and we ask ourselves why this is happening. The answer is not that difficult. The problem is that the youngsters today do not see a clear picture. They do not see a future for themselves in the way that the rest of Canadians do. They do not feel they are in the same boat. I hope that this institution can change that. I always try to be optimistic, rather than looking at the situation too darkly.

It is important for us to examine what we can do to rectify what was not done in the past. It will not be easy. Acknowledging, recognizing, accepting and respecting one another can go a long way. From there, we can start to put those concepts into institutional forms. Maybe that is what we need to do.

We have had neither a written Inuit nor Indian law, but we did have a road to follow, one that is heavily influenced on a daily basis. That disturbs the day-to-day life of our people in remote communities. The larger society tends to overrule our way of life by passing laws. I have experienced this for the last 20 years and have tried to be instrumental in bringing about change. I know that I have not always expressed myself in a clear fashion, but I try my best. It has been uncomfortable at times, but, nevertheless, this is where the game is and this is where we address matters that need to be rectified. I try to utilize the instrument that is available to me and will continue to do so. That is why I accepted the offer to become a senator, to get close to the system, to have some influence. In that way, I can represent my people.

Twenty years have passed and I am still driving the implementation of section 35 of the Constitution. There is a way to implement section 35, a small part of which we are doing now in harmonizing the Civil Code and the common law. That is one avenue we can take to improve the lives of the people in the North. Their lives are not getting any better and will not get any better. That is the way it is.

I am not blaming any individual for this oppression. We need to focus on the system. We forget that we are only human beings, and the system sometimes ends up running our lives. This is where we need to focus our attention. Do not misunderstand me. I am not pointing a finger at anyone in this place. I am saying that we must look at the system and see how we can improve it.

The common law has moved quite rapidly into our day-to-day lives. We are beginning to see the same with the civil law.

I am from Quebec. Over the years, we have been able to live together with people who have a pillow. I call the civil law a pillow. Perhaps there are similarities between Inuit and French Canadian society, but we seem to have more of an ability to achieve our destinies together.

I cannot say the same thing when I look at the common law side of the equation. It is a big threat to our survival as a people in the North. I do not exclude the civil law because the civil law can also be very damaging to our people unless there is a serious attempt to sit down to harmonize the two traditions.

My question is this: How can we continue in this way after so many years?

Senator Joyal: I will be very brief because we have had the benefit of hearing the comprehensive views of Senator Watt. His question is not unanswerable. It will involve the support of existing law schools and jurists throughout Canada. Manitoba, Saskatchewan and the Maritimes, especially New Brunswick, have been able to achieve common law in both French and English. We owe that to New Brunswick and to Ontario, especially, which have developed the capacity to have common law, which is of British origin, to speak as much in French as in English. It has as much validity in one language as the other.

If we have been able to achieve the unachievable of having the civil code speak in English as much as in French, and the common

law as much in French as in English, I am sure that there is a way to reach or attain the objectives that the honourable senator proposes and that I share so much. There is a part that is lost.

• (1500)

We understand the way that the traditional Aboriginal people work. I think that Senator Austin was the sponsor of Bill C-6, which established a centre for land claims settlement, and Senator Kinsella participated in the debate. That bill provided for the creation of a centre for research where the documents, archives and oral tradition of Aboriginal peoples would be kept to assist in the satisfactory determination of rights under treaties and any subsequent land claims.

Sooner or later, we will have to consider a similar proposal. Of course, we must understand the multiplicity of Aboriginal tradition. It is much easier to do so in Nunavut, which is well circumscribed with a localized population. At the Akitsiraq Law School, it is easier for staff to go to the roots of the Aboriginal tradition and come up with a vocabulary, terminology and all the essential tools to draft or understand legislation. I totally agree that in other instances this would be difficult to achieve, but I do not think it is unfeasible. We have already done things to the traditional French-speaking civil law and English-speaking common law that seemed unnatural, but we have been able to achieve that in respect to those two major languages. I am sure that we will be able, with goodwill and common sense, to do the same with Aboriginal practice.

The members of the Standing Senate Committee on Legal and Constitutional Affairs have shown a deep commitment to this point. I am sure that in any discussion about future bills in this place — and I know that some are forthcoming — we will look into that aspect of the Aboriginal reality. With the conviction that my honourable friend shares and that we all share in this room, we will be able to achieve progress.

[Translation]

Hon. Aurélien Gill: Honourable senators, for 30 years or so, the courts — provincial courts, appeal courts, and the Supreme Court — have handed down decisions favourable to First Nations with respect to Aboriginal and other rights. In some cases we have seen that enforcement of these laws appears to cease once the decision has been rendered.

I remember one decision by the Supreme Court. I do not remember the name of the case: I think it was the *Marshall* case, in the Maritimes. After that decision, no one knew what to do; there was a vacuum. In other words, if there is a vacuum after certain decisions, I believe it is because we have not yet learned that we must make policy and create institutions that can manage the forest and the First Nations in general.

Perhaps we need more political involvement and more planning ahead. We now know that the courts are favourable to Aboriginal rights. Do you think that we could take the lead, along with the Department of Indian Affairs and Northern Development and the other departments affected, and help the First Nations to create policies and policy-making institutions for themselves to manage these matters?

Senator Joyal: It seems to me that there is no other choice, if we want to be effective in achieving our objectives. Three examples come to mind. Take the Criminal Code for example. It has recognized three aspects of the Aboriginal reality in a unique way. The Honourable Senator Milne will remember that, on several occasions when she chaired the Standing Committee on Legal and Constitutional Affairs, we discussed these aspects of our laws.

We recognized the concept of restorative justice, which is an Aboriginal concept. As we know, in non-Aboriginal systems, punishment generally takes the form of imprisonment, while in Aboriginal communities, the focus is more on the person who was the victim of the offence receiving services and support from the one who committed the offence. That is what is called restorative justice.

Then comes what is known as the healing process, based on the principle that, when a person is a victim of any act, the entire community is responsible for the newly-created difficult situation and for any harm done to this person. It is therefore a matter of community responsibility toward the victim. We are only just starting to rediscover this concept in our own laws.

Moreover, the code recognized that when a sentence is to be imposed under the criminal system, the fact that the individual is an Aboriginal must be taken into consideration. So, there are specific circumstances that the judge must consider to facilitate the individual's rehabilitation, rather than punishing him by simply incarcerating him. These are elements that we gradually incorporated into the criminal law. In my opinion, these are very good examples of how the Aboriginal reality can be recognized in other areas.

This does not make the justice system less fair; it makes it more credible for Aboriginal justiciaries. It seems to me that, considering the 400 years that we have been sharing this continent with Aboriginal peoples, our past includes elements of reference, solutions that were implemented and that can teach us how the laws that we adopt, or the rulings made by the courts, can be applied while taking into consideration the Aboriginal reality.

The problem is that, over the years, we have in many ways acculturated Aboriginal populations, we have deprived them of their own cultural identity, of their own way of doing things. In my view, this does not at all threaten the manner in which other communities in Canada conduct their affairs. Again, it seems to me that these examples can provide solutions for the problems that you describe.

[English]

The Hon. the Speaker: Honourable senators, I know that Senator LeBreton is rising to adjourn the debate. However, I have received a request from Senator Sibbeston to speak.

I must point out, honourable senators, that this is a bill where 45 minutes is given to the first and second speakers, the idea of which is that the government and opposition, or vice versa if it is an opposition bill, be given that longer period for their first speech.

If Senator Sibbeston speaks, is it understood, honourable senators, that 45 minutes will be given to the first speaker on the opposition side?

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, that is my understanding as well. I thank Your Honour for bringing it to our attention.

Hon. Senators: Agreed.

Hon. Nick G. Sibbeston: Honourable senators, I should like to speak for a few moments. I had not intended to speak today, but occasionally one arrives in a situation where others are heard and one is inspired. It triggers some thought and then takes some courage to stand up a bit unprepared. However, I want to express these feelings and thoughts today.

The notion of Aboriginal law is a very good thing. It is a novel idea to Canadian society, but those who are Aboriginals and come from Aboriginal societies recognize that it exists.

I had the good fortune to become a lawyer. I studied common law and learned all about the dominant common law in Canada. Eventually I tried to use it in my practice, but also I spent much of my time defending people in the criminal law system.

• (1510)

In the North, it was always a challenge to interpret laws that originate in institutions such as Parliament because those laws are based on common law for non-Native peoples in urban settings. It was always a challenge to provide justice for Aboriginal peoples in remote parts of our country. We have had some notable judges in the North who recognized the situation and, in their own way, tried to provide justice to the people of the North. One such judge comes to mind, Judge Sissons, who lived in the Northwest Territories in the 1950s and 1960s. When people were charged, oftentimes in remote communities, he had the task of travelling to such communities to interpret and apply the law as well as he could. Oftentimes, it was a difficult task because Aboriginal people come from completely different traditions, practices and ways of life. Trying to provide justice and apply some of their laws in some cases was difficult. It is like two different peoples living in two different worlds. However, that was the law and Judge Sissons attempted to apply it. He is famous for his efforts in the North and he became somewhat of a hero because he tried to impart common sense and to deliver justice in a way that was fair to the Aboriginal peoples of the North. There was a famous case of an Aboriginal person who shot a duck in the spring. Imagine living in the North where you have cold, ice and snow for most of the year. Often you live off the land, that is, on caribou and fish. Spring is a delightful time of the year because the days get warmer and, before long, you see ducks flying in from the south. People, of course, just act naturally and shoot these ducks because it is food for them. After eating caribou and fish all winter, you want to eat something else, so ducks look very appealing. Inevitably, a man shot a duck and was charged with shooting ducks out of season.

There was an agreement between the United States, Mexico and Canada called the Migratory Birds Act, which was a treaty to control the times of the year when ducks could be shot. I hardly think that they had in mind the people in the North when the agreement was signed. The man who shot the duck was charged and the case went before the court. Of course, any judge who applied the law would have to find the person guilty. This is a good example of the state of law, and how difficult, impractical and inapplicable it is, in a sense, to mete out justice as provided in a law that did not have Aboriginal peoples in mind.

When I was practicing law, I had the good fortune to work with judges and to defend people. I also had the opportunity to try to bring insight to the courts about situations that would occur in Northern communities. Honourable senators can appreciate that, while many offences may have occurred as a result of the consumption of alcohol, certain offences that would not have been deemed serious in the Aboriginal way of life were, under criminal law, deemed to be very serious and thus warranted years in jail. It was always a challenge to apply the laws of the South to the peoples of the North.

Later in my career, I had an opportunity to work as a justice specialist. The government recognized that the best way to deal with justice in small communities was to have local people involved in the handling of the people who got into trouble. I was involved in setting up justice committees in many small communities whereby a number of elders and other respected people would be part of those committees to deal with incidents. That approach was highly effective.

I recall one incident in which a young person went into the local co-op store and stole a jacket. The normal procedure would have been for a Justice of the Peace to deal with the case in one or two hours. The person would have pled guilty and would have been sentenced. It is a mindless, cold and formal way of dealing with offences. Invariably the person would have been charged, convicted and sent to jail.

Under the community justice system, the young person was brought before the justice committee which, in a sense, was gruelling, embarrassing and emotional. Once the person admitted having committed the crime then the members of the justice committee would talk to the offender. They would make comments such as, "You should not have done that. We know that, basically, you are a good person. Do not do it again." In the course of that exchange, a young person would cry and cry. As you can imagine, that young person would be most unlikely to do that again because the appearance before members of the community was so embarrassing. Everyone in town would know what had happened and that there had been response by respected elders and others. That method of justice — the application of local traditions and practices — is much more effective.

The challenge for Canadians is to respect and recognize that amongst Aboriginal people there are traditions and ways of life.

Especially in the smaller communities, Aboriginal people do not have books or a long history of written traditions and practices. Those are passed down by word of mouth and by practice from

generation to generation. When we talk about Aboriginal law, this is what we are talking about — the practices and traditions that Aboriginal people have carried from generation to generation. They are embodied. They are based on common sense and rules for good living on the land, that is, the handling of people, animals and the land. Those are the traditions and practices that apply, and slowly they are being recognized.

A Supreme Court of Canada case in the last few years recognized that Aboriginal practices and traditions can be recognized. It ventures into hearsay evidence because the ideals and principles have been carried on from generation to generation. Nevertheless, it is part of the peoples' knowledge and history. It is comforting to know that the Supreme Court of Canada is able to recognize Aboriginal practices and histories. It is a step in the right direction.

The Senate will be dealing with the Tlicho agreement. It is reassuring to know that the land claims agreement contains a clause stating that the Supreme Court of the Northwest Territories must recognize the tradition and practices of the Tlicho people when making decisions. That is an important step. It is a start. It is a wee little step and wee little recognition of the Aboriginal laws and traditions.

• (1520)

I am inspired and encouraged by Senator Joyal saying that he recognizes that while this harmonization bill really deals with the French language and French laws, some day Aboriginal laws and practices could be recognized similarly in Canada and could, in some applicable cases, be recognized by our courts. This is encouraging.

On motion of Senator LeBreton, for Senator Nolin, debate adjourned.

TAX CONVENTIONS IMPLEMENTATION BILL, 2004

THIRD READING—DEBATE ADJOURNED

Hon. Mac Harb moved the third reading of Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. John Lynch-Staunton: Honourable senators, no, I am not. I was disappointed to see that the committee had met last week on this bill in the absence of the only person on this side who spoke to it, namely myself. I was on an official trip. I had hoped that the courtesy would have been extended to me of waiting until my return to attend the committee hearings, particularly as there was one aspect of the bill that I wanted to discuss.

Having said that, I have just received the transcript of the committee hearings and would like the opportunity to read it. Once I have done so, I would like to make any comments that are suitable, which will be in short order.

The Hon. the Speaker: The way for me to proceed is to put Senator Harb's motion, following which I assume Senator Lynch-Staunton will adjourn the debate. Is that in order?

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by the Honourable Senator Harb, seconded by the Honourable Senator Lavigne, that this bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Lynch-Staunton, debate adjourned.

STATISTICS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

Hon. John Lynch-Staunton: Honourable senators, this must be my day to complain. Before speaking to the bill itself, I want to draw the attention of honourable senators to a number of e-mails that I received last week — nearly 200 of them at last count — while I was away on official business. They obviously form part of a well-organized campaign in support of the bill, which by itself is perfectly acceptable, but in this case they included a certain form of hysteria based on deliberate misinformation which is not at all to the credit of some of Bill S-18's more ardent supporters.

Let me read a sampling. I am sure that those who signed these e-mails did so in good faith, so in all due respect for their being obviously misled, I will not name them.

From Revelstoke, I got the following message:

I discovered you took the adjournment of the debate of Bill S-8 —

— meaning Bill S-18 —

— and I understand that means no progress can be made on the bill until you speak and that you did not intend to speak on the bill until the government promises to hold hearings on a private senator's bill that you have not even introduced yet.

[Translation]

I have another that comes from Quebec.

[Senator Lynch-Staunton]

I also learned that you intend to delay your speech until the government promises to hold hearings on a private bill that you intend to introduce in the Senate yourself.

[English]

There is one that does not say where it comes from, but it is a Sympatico e-mail, so it is Canadian, although I also got quite a few from the United States.

Please change your stance on speaking about Bill S-18. The delay which you are proposing is unacceptable to the genealogical community. You are suggesting a wait until after hearings on a bill which has not even been introduced by Senator Stratton.

Here is the most colourful one, I think. This one is from Calgary:

Senator Lorna Milne, working with Minister Emerson, presented Bill S-18 to the Senate where it has become "stuck" due to the political shenanigans of Senator Lynch-Staunton, who is attempting, it seems, to grind his own axe and hold Bill S-18 hostage until a proposed bill by himself has been heard. No one seems to know the theme of the proposed bill.

Well, I certainly do not.

Here are the facts. Senator Comeau spoke to this bill as opposition critic on November 17. The debate was then adjourned with unanimous consent. The following day I left, as a member of the Prime Minister's official party, for South America and Africa, returning Sunday, November 28. I was ready to speak yesterday, but the Senate adjourned at 3 p.m. because of President Bush's visit. There has been no deliberate delay in speaking on my part. I certainly know nothing about a private senator's bill that I supposedly have not introduced yet, and even less about one that could be related to Bill S-18.

What is to be deplored most about this experience is that untruths were widely disseminated not only to bring discredit on a member of the Senate but, more regrettably, to urge well-intentioned individuals to react with anger and frustration on the basis of falsehoods spread by what I will charitably term as one or more warped minds. I trust that those responsible for such boorish behaviour will at least have the decency to apologize to those they so deliberately deceived.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: To get back to the bill, the arguments put forward by the mover of Bill S-18 and by Senator Comeau in rebuttal are equally impressive. One cannot deny the need for historians and genealogists to have as complete information as possible in researching their works, and one cannot but be impressed by certain provisions in Bill S-18 in terms of time and access to what is now classified as confidential.

Canadians are constantly assured that such information sought by the government is confidential and is to remain that way. Let me cite in particular what was on the last page of the most recent census long form. The heading was "The law protects what you tell us." It reads:

The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right.

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely. You can ask to see information you gave about yourself on your 2001 Census questionnaire after November 2001.

This debate brings to mind the one in 1964 when the Pearson government introduced a social insurance number, known as SIN, which Canadians were assured would be restricted to Unemployment Insurance, as it was called then, and the Canada and Quebec pension plans.

• (1530)

Despite all the assurances at the time that a SIN would be used exclusively in those areas, its use was eventually extended to tax returns in 1967. In 1976, the Income Tax Act was amended to require anyone cashing in a Canada savings bond to provide a SIN, thereby allowing banks and other financial institutions access to what was to be information limited exclusively to government use.

Today, the use of a SIN is not only widespread amongst many government departments, following many legislative changes but it is also an essential tool in the private sector for a number of purposes such as credit checks and employer file numbers. For all intents and purposes, what was intended for very narrow, confidential use is now as public as one's telephone number. Those who still believe that privacy is something to be guarded jealously can only deplore the evolution of the SIN over the last 40 years. So, once burned, twice shy. Who today can guarantee that the 92- and 112-year rules contained in Bill S-18 will be maintained in perpetuity? Who can guarantee that those who, during future censuses, do not consent to disclosure will have their choice respected in perpetuity? The answer is no one, as future parliaments cannot be bound by their predecessors, no matter how well-intentioned, as was the case with the issuance of the social insurance number.

In conclusion, I hope that this dilemma, respecting the needs of historians and genealogists versus a pledge of privacy, can be resolved during committee hearings when all sides can be given the time to be heard before taking a final decision. I, for one, will try to keep an open mind until then, although I must admit, at this stage, that I find Senator Comeau's argument most persuasive.

Hon. Lorna Milne: I would most sincerely apologize to Senator Lynch-Staunton if any incorrect information whatsoever was transmitted in my name. I also want to correct one impression that he may have left with some honourable senators concerning the 112-year rule which is no longer in the bill.

Senator Lynch-Staunton: I accept that correction and the apology. I would hope that, if I forward Senator Milne all of the e-mails containing insulting remarks that I have received in

this connection she will advise all of those who wrote to me of the correction and apologize on her own behalf.

On motion of Senator Stratton, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plamondon, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-19, to amend the Criminal Code (criminal interest rate).—(*Honourable Senator Stratton*)

Hon. Donald H. Oliver: Honourable senators, I know the hour is late, and people want to leave by 4 p.m., so I will keep my remarks short.

I am pleased to speak today on second reading of Bill S-19, which was introduced by the Honourable Senator Plamondon. I wish to speak to this particular bill because it was introduced by a special senator. It is the epitome of her lifetime of work as a consumer rights' activist.

To put Bill S-19 in context, I need to share with you briefly some of the highlights of Senator Plamondon's life that led to this landmark bill. Senator Plamondon has been a committed consumer advocate for more than 45 years. She has worked mainly in the field of consumer affairs, and especially in the financial services, energy, privacy protection and consumer rights sectors. Her work has been primarily focused on behalf of the underprivileged, women and the elderly. Since 1974, she has headed a consumer aid organization that she founded.

She has been a member of the board of the Financial Services OmbudsNetwork, le Bureau des services financiers du Québec, and l'Association des courtiers et agents immobiliers du Québec, as well as several other committees.

Since 1985, Senator Plamondon published special studies on Internet purchasing, electronic commerce, student debt, home banking, confidentiality of data, and the services associated with financial lenders.

In 2000, she received the Prix de la justice du Québec for her contribution to defending the rights and interests of consumers for over four decades. In 2003, Senator Plamondon was awarded the National Order of Quebec. Therefore, honourable senators can understand why she introduced Bill S-19, a bill that perfectly demonstrates Senator Plamondon's lifetime work as a consumer rights advocate.

The bill proposes to amend Canada's Criminal Code to change the criminal interest rate set out in section 347, and to include in the calculation of that interest rate, the charges paid by a person to obtain insurance coverage. The bill has two objectives. The first is to change the criminal rate of interest set out in section 347 from 60 per cent to 35 per cent. The second is to change the definition of interest in subsection 347 (2) of the Criminal Code.

According to section 347, the criminal interest rate means an effective annual rate of interest calculated in accordance with generally accepted actuarial practices and principles that exceeds 60 per cent on the credit advanced under an agreement or arrangement between the lender and the borrower. Currently, the criminal rate, the annual rate of interest on credit advances, is 60 per cent. Senator Plamondon's bill proposes that the rate be lowered so that it does not exceed 35 per cent, in accordance with the target for the overnight rate as determined and published by the Bank of Canada.

In other words, it is proposed that the rate of interest on any credit advanced in the form of money or monetary value in the form of any goods, services or benefits actually advanced or to be advanced under the agreement can be no greater than 35 per cent.

Currently, there is a big difference and a huge discrepancy in the Bank of Canada's interest rate and the criminal rate of interest. The Bank of Canada rate is approximately 2.50 per cent and the criminal rate of interest is 60 per cent.

In 1981, when Parliament originally amended section 347, then called section 305.1, of the Criminal Code to set the criminal rate of interest at 60 per cent, the Bank of Canada interest rate was 21.3 per cent. Today in 2004, the Bank of Canada's rate is 2.5 per cent, but the criminal rate of interest still remains at 60 per cent. Honourable senators, we need regulations suitable to the current financial context.

Senator Plamondon has proposed, in Bill S-19, that we establish a differential between the Bank of Canada's interest rate and the maximum amount of interest that could be charged by lenders. She has suggested that we amend Canada's criminal rate of interest so that a 35 per cent difference, instead of 60 per cent, be established between the Bank of Canada interest rate and the criminal rate.

Unfortunately, many Canadians are unable to borrow money from our major financial institutions, banks and other companies at regular preferred rates. Many Canadians must turn to other financial institutions or lending agencies. These institutions are often referred to as "alternative financial sectors," or AFSs.

Since these businesses take high risks in providing their loans — and since there is some justification, if you are taking a bigger risk, in charging a higher rate — their interest rates will normally be higher than those of traditional banks. Based on her expert analysis in the field, Senator Plamondon believes that a criminal rate of 35 per cent would still provide a reasonable profit for those in the lending industry.

Honourable senators may ask what the criminal interest rate is in other countries. Canada's rate is significantly higher than in most other countries. In California, for instance, the interest rate for personal loans must not exceed 10 per cent; in Florida, the rate is 18 per cent; in Texas, it is 18 to 28 per cent; and in New York, it is 25 per cent. In Europe, Canada sticks out just as well. In France, the rate is 20 per cent; in Italy, it is 19 per cent; and in Germany, it is 17.4 per cent.

[Senator Oliver]

In conclusion, honourable senators, I submit that Senator Plamondon, with her Bill S-19, has put forth something that is designed to help consumers across Canada. This is a bill with substantial merit, and it should be sent to committee so that expert witnesses can be called to give evidence to see if there are ways in which the bill can be improved. It can then be reported back to this chamber for third reading.

• (1540)

[Translation]

The Hon. the Speaker: Honourable senators, if the Honourable Senator Plamondon speaks now, his speech will end the debate on the motion for second reading of this bill.

[English]

Hon. Bill Rompkey (Deputy Leader of the Government): There are other senators who want to speak in this debate and I am wondering if Senator Plamondon would allow them to speak. Unavoidably, some of them are absent, but they do wish to contribute to the debate. I was about to adjourn debate to give them that opportunity.

Hon. Madeleine Plamondon: I would accept such a proposal as long as it is not a delaying tactic, because I did not introduce the bill only for information purposes. I want it to pass third reading and to then go to the House of Commons.

Senator Rompkey: I can give my assurance that this is not a delaying tactic. Some of the senators who wish to speak, one in particular, is unavoidably absent because of a family incident that requires her attention. She intends to speak to this bill as soon as possible, and for that reason I would like to adjourn the debate.

The Hon. the Speaker: I will take this intervention as an exchange on Senator Oliver's time for comments or questions.

I have heard there are other senators who wish to speak. We do provide for that. I appreciate Senator Plamondon's concern, and hopefully it has been answered by Senator Rompkey.

On motion of Senator Rompkey, debate adjourned.

SPAM CONTROL BILL

SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Honourable Senator Oliver*)

Hon. Donald H. Oliver: Before moving second reading of Bill S-15, I should like to advise honourable senators that on Friday of this week I have been invited to attend and to speak at a major conference of stakeholders in relation to the spam problem. At that time, they will be analyzing this particular bill and discussing methods in which this issue should be dealt with in Canada.

I know that the 15-day time period to speak to this bill is fast approaching. I wanted to speak today to say these few words so that I could have a bit more time to compose my final remarks after the meeting of the task force on Friday.

The Hon. the Speaker: Did you wish to put your motion today, Senator Oliver?

Senator Oliver: No, I simply wanted to adjourn debate.

The Hon. the Speaker: We will let this item stand, then.

Order stands.

CANADA TRANSPORTATION ACT

BILL TO AMEND--SECOND READING-- DEBATE ADJOURNED

Hon. Wilfred P. Moore moved the second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(*Honourable Senator Banks*)

He said: Honourable senators, I rise today to speak to Bill S-6, to amend the Canada Transportation Act in respect of the carriage of grain by rail.

The contention behind Bill S-6 is that at the present time there exists no real competition in the movement of grain by rail on the main lines of our two largest railways. This means that the producers and shippers of grain do not have the advantage of a normalized competitive transportation market relative to the costs they must pay of moving grain from the field to its destination. The Western provinces know that this is so; the Canadian Wheat Board knows that this is so; and, most important, grain farmers and shippers know that this is so.

The point of the present bill, honourable senators, is to correct that market imbalance and to bring the carriage of grain by rail into the 21st century.

The author of Bill S-6, Senator Banks, is working out of Ottawa with the Standing Senate Committee on National Security and Defence this week. He is awaiting the arrival of two pieces of information within the next few days that are cogent to his argument in these respects. I, therefore, move the adjournment of the debate in the name of Senator Banks, with the request that he be permitted, with leave, to have the remainder of this time for the purpose of second reading debate.

The Hon. the Speaker: I will put the motion, but before I would indicate that all the honourable senator need do is rise to speak and he will have his full 45 minutes.

Is it agreed, honourable senators, that this be the case?

Hon. Senators: Agreed.

On motion of Senator Moore, for Senator Banks, debate adjourned.

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

Consideration of the third report of the Committee of Selection (*change of membership on Official Languages Committee*) presented in the Senate on November 30, 2004.—(*Honourable Senator Losier-Cool*)

Hon. Rose-Marie Losier-Cool moved that this report be adopted.

Motion agreed to and report adopted.

[English]

THE SENATE

RULES OF THE SENATE—MOTION TO CHANGE RULE 135—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Rompkey, P.C.*)

Hon. Sharon Carstairs: Honourable senators, I rise today to support the motion of the Honourable Senator Lavigne with respect to senators swearing an oath of allegiance to our country, Canada, in addition to our oath to the Queen.

Why would I want to do this? It is really very simple for me. As a senator, I serve the people of Canada, more particularly the citizens of the province of Manitoba. I take my constitutional responsibilities to uphold the rights of minorities very seriously because it is in this protection that I believe we grapple with the essence of Canada. Too often in Canada and in other democracies we speak of democracy, but equally often, I regret, we believe democracy is majority rule. However, in its true essence, democracy only exists when minority rights are protected.

For three years I lived in the United States, one as a graduate student and two as a teacher. I watched while students each day took their oath of allegiance to their country. They did it with great seriousness. Indeed, I was required to do my practice teaching and full-time teaching in a private school because I would not swear allegiance to the United States. I knew I would never give up my citizenship as a Canadian and that I would return to Canada.

However, I admired their sense of their country and their sense of their history. These were difficult years in the United States. I was there for the Cuban missile crisis, the assassination of President Kennedy and the march to Washington, where I stood and listened to Martin Luther King speak when he said, "I have a dream."

I realized I, too, had a dream. I wanted to return to Canada where I had a country whose values and spirit I deeply admired and respected; a country whose children I would be proud to teach; a country I would be honoured to serve; a country whose national anthem still brings me to tears. Yet, I have never sworn allegiance to this country to which I am so deeply committed. To swear allegiance to Canada would fill me with great pride, and I welcome the opportunity to do it.

On motion of Senator Robichaud, debate adjourned.

The Senate adjourned until Thursday, December 2, 2004, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Noël A. Kinsella

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(December 1, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Joseph Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.

Senator	Designation	Post Office Address
George Bacon	De la Durantaye	Laval, Que.
Baron Carstairs, P.C.	Manitoba	Victoria Beach, Man.
London Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Joseph-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Éliane Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Norma Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Maureen Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Bernard Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Berge Joyal, P.C.	Kennebec	Montreal, Que.
John Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Boss Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
John Thorne Fraser	De Lorimier	Montreal, Que.
André Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Christine Poy	Toronto	Toronto, Ont.
Christine Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Jack G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Robert Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Gene Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Giola Léger	Acadie/New Brunswick	Moncton, N.B.
Robina S. B. Jaffer	British Columbia	North Vancouver, B.C.
John Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Anna Merchant	Saskatchewan	Regina, Sask.
Christine Ringuette	New Brunswick	Edmundston, N.B.
Mercury Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Henry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Knyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
McLellan, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
McNelly, Colin	Rideau	Ottawa, Ont.	Lib
McNee, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Minicelli, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Mirby, Michael	South Shore	Halifax, N.S.	Lib
Moynihan, Jean	Sauval	Magog, Que.	Lib
Moynihan, Raymond	Montarville	Verdun, Que.	Lib
McBreton, Marjory	Ontario	Manotick, Ont.	C
McGee, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
McGee-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
McGill-Stratton, John	Grandville	Georgeville, Que.	C
McGill, Shirley	Rougemont	Saint-Laurent, Que.	Lib
McGillivray, Francis William	Toronto	Toronto, Ont.	Lib
McGillivray, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Lib
McGillivray, Michael Arthur	St. Marys	Toronto, Ont.	C
McGillivray, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
McGillivray, Viola	Saskatchewan	Regina, Sask.	Lib
McGillivray, Lorna	Peel County	Brampton, Ont.	Lib
McGillivray, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
McGillivray, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
McGillivray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
McGillivray, Pierre Claude	De Salaberry	Quebec, Que.	C
McGillivray, Donald H.	Nova Scotia	Halifax, N.S.	C
McGillivray, Landon	Ontario	Ottawa, Ontario	Lib
McGillivray, Lucie	Shawinigan	Montreal, Que.	Lib
McGillivray, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
McGillivray, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
McGillivray, Madeleine	The Laurentides	Shawinigan, Que.	Ind
McGillivray, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
McGillivray, Vivienne	Toronto	Toronto, Ont.	Lib
McGillivray, Marcel, P.C.	La Salle	Montreal, Que.	Ind
McGillivray, Pierrette	New Brunswick	Edmundston, N.B.	Lib
McGillivray, Jean-Claude	Stadacona	Quebec, Que.	Ind
McGillivray, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
McGillivray, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
McGillivray, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
McGillivray, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
McGillivray, David P., P.C.	Cobourg	Toronto, Ont.	Lib
McGillivray, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
McGillivray, Mira	Manitoba	Winnipeg, Man.	Ind
McGillivray, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
McGillivray, Terrance R.	Red River	St. Norbert, Man.	C
McGillivray, David	Saskatchewan	Saskatoon, Sask.	C
McGillivray, Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
McGillivray, Charlie	Inkerman	Kuujuuaq, Que.	Lib

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 1, 2004)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 David P. Smith, P.C.	Cobourg	Toronto
21 Mac Harb	Ontario	Ottawa
22 Jim Munson	Ottawa/Rideau Canal	Ottawa
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe	Saurel	Magog
17 Michel Biron	Milles Isles	Nicolet
18 Raymond Lavigne	Montarville	Verdun
19 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
20 Madeleine Plamondon	The Laurentides	Shawinigan
21		
22		
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Maria Chaput	Manitoba	Sainte-Anne
6		

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 Pana Merchant	Saskatchewan	Regina
6		

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4		
5		
6		

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
---------	-------------	---------------------

THE HONOURABLE

1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
---------	-------------	---------------------

THE HONOURABLE

1 Nick G. Sibbeston	Northwest Territories	Fort Simpson
---------------------	-----------------------	--------------

NUNAVUT—1

Senator	Designation	Post Office Address
---------	-------------	---------------------

THE HONOURABLE

1 Willie Adams	Nunavut	Rankin Inlet
----------------	---------	--------------

YUKON TERRITORY—1

Senator	Designation	Post Office Address
---------	-------------	---------------------

THE HONOURABLE

1 Ione Christensen	Yukon Territory	Whitehorse
--------------------	-----------------	------------

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 1, 2004)

Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

Honourable Senators:

Angus,	Christensen,	* Kinsella,	Sibbeston,
Austin,	Fitzpatrick,	(or Stratton)	St. Germain,
(or Rompkey)	Gustafson,	Léger,	Trenholme Counsell,
Buchanan,	Hubley,	Pearson,	Watt.

*Original Members as nominated by the Committee of Selection**Angus, *Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,***Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Austin,	Gill,	* or Kinsella,	Oliver,
(or Rompkey)	Gustafson,	(or Stratton)	Ringuette,
Callbeck,	Hubley,	Mahovlich,	Sparrow,
Fairbairn,	Kelleher,	Mercer,	Tkachuk.

*Original Members as nominated by the Committee of Selection***Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,***Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Chaput,	Hervieux-Payette,	Moore,
Austin,	Fitzpatrick,	* Kinsella,	Oliver,
(or Rompkey)	Grafstein,	(or Stratton)	Plamondon,
Iron,	Harb,	Meighen,	Tkachuk.

*Original Members as nominated by the Committee of Selection**Angus, *Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,***Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,	Banks,	Finnerty,	* Kinsella,
Angus,	Buchanan,	Gustafson,	(or Stratton)
* Austin,	Christensen,	Kenny,	Lavigne,
(or Rompkey)	Cochrane,		Milne,
			Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Angus, *Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, *Kinsella (or Stratton), Lavigne, Milne, Spivak.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

Honourable Senators:

Adams,	De Bané,	* Kinsella	Meighen,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,			Watt.

Original Members as nominated by the Committee of Selection

*Adams, *Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, *Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, *Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

Honourable Senators:

Andreychuk,	Carstairs,	Kinsella,	Losier-Cool,
Austin,	Ferretti Barth,	(or Stratton)	Oliver,
(or Rompkey)	LaPierre,	LeBreton,	Pearson,
			Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Carstairs, Ferretti Barth, *Kinsella (or Stratton),
LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Interim Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon,
Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

Honourable Senators:

Andreychuk,	Eyton,	Mercer,	Ringuette,
Austin,	Joyal,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Cools,			

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, *Kinsella (or Stratton),
Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

Honourable Senators:

Lapointe,
LeBreton,

Poy,

Stratton,

Trenholme Counsell.

Original Members agreed to by Motion of the Senate
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

Honourable Senators:

* Austin,
 (or Rompkey)
 Carstairs,
 Comeau,

Cools,
 Day,
 Downe,
 Ferretti Barth,

Harb,
 * Kinsella,
 (or Stratton)
 Murray,

Oliver,
 Ringuette,
 Stratton.

Original Members as nominated by the Committee of Selection
** Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,*
** Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,
 * Austin,
 (or Rompkey)
 Banks,

Cordy,
 Day,
 Forrestall,

Kenny,
 * Kinsella,
 (or Stratton)

Lynch-Staunton,
 Meighen,
 Munson,

Original Members as nominated by the Committee of Selection
*Atkins, * Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,*
** Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

kins,	Day,	* Kinsella,	Meighen.
stin,	Forrestall,	(or Stratton)	
or Rompkey)	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

Honourable Senators:

stin,	Chaput,	Jaffer,	Léger,
or Rompkey)	Comeau,	* Kinsella,	St. Germain.
chanan,	Corbin,	(or Stratton)	

Original Members agreed to by Motion of the Senate

**Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, *Kinsella (or Stratton),
Lavigne, Léger, Meighen, Merchant, St. Germain.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

ndreychuk,	Di Nino,	* Kinsella,	Maheu,
stin,	Fraser,	(or Stratton)	Milne,
or Rompkey)	Furey,	LeBreton,	Robichaud,
aput,	Jaffer,	Lynch-Staunton,	Smith.
ools,	Joyal,		

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal,
Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Bryden

Vice-Chair:

Honourable Senators:

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

Original Members as agreed to by Motion of the Senate

Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.

SELECTION

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

Original Members agreed to by Motion of the Senate

**Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,
Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson,
Keon, *Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Austin,	Chaput,	* Kinsella,	Phalen,
(or Rompkey)	Di Nino,	(or Stratton)	Tkachuk,
Baker,	Eyton,	Merchant,	Trenholme Counsell.
Carney,	Fraser,	Munson,	

*Original Members as nominated by the Committee of Selection***Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,***Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.*

CONTENTS

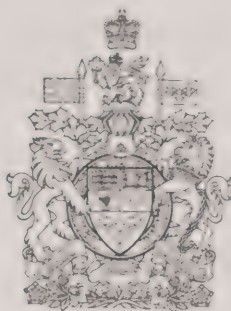
Wednesday, December 1, 2004

	PAGE		PAGE
SENATORS' STATEMENTS		Foreign Affairs	
Tributes		Jean Chrétien Pledge to Africa Act—Status of Commitments.	
The Late Pierre Berton, C.C.		Hon. Donald H. Oliver	378
Hon. Bill Rompkey	371	Hon. Jack Austin	378
Hon. Jack Austin	371	Jean Chrétien Pledge to Africa Act—Problems with Legislation.	
Hon. Pat Carney	371	Hon. A. Raynell Andreychuk	379
Hon. Ione Christensen	372	Hon. Jack Austin	379
		Hon. Marcel Prud'homme	379
World AIDS Day		Foreign Affairs	
Hon. Lucie Pépin	372	China and Tibet—Representations to Commute Death Sentence	
Hon. Wilbert J. Keon	373	of Tenzin Delek Rinpoche.	
		Hon. Jack Austin	379
Canada's Children		Delayed Answer to Oral Question	
Hon. Landon Pearson	373	Hon. Bill Rompkey	
		379	
The Execution of Margaret Hassan		Foreign Affairs	
Hon. Madeleine Plamondon	374	Rwanda and Sudan—Aid and Assistance.	
		Question by Senator Andreychuk.	
		Hon. Bill Rompkey (Delayed Answer)	
		379	
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Legal and Constitutional Affairs		Federal Law-Civil Law Harmonization Bill, No. 2 (Bill S-10)	
Committee Authorized to Meet During Sitting of the Senate.		Third Reading—Debate Adjourned.	
Hon. Lise Bacon	374	Hon. Serge Joyal	380
Notice of Motion to Authorize Committee to Study Bilingual		Hon. Charlie Watt	382
Status of the City of Ottawa.		Hon. Aurélien Gill	383
Hon. Serge Joyal	374	Hon. Terry Stratton	384
		Hon. Nick G. Sibbeston	384
Banking, Trade and Commerce		Tax Conventions Implementation Bill, 2004 (Bill S-17)	
Committee Authorized to Meet During Sitting of the Senate.		Third Reading—Debate Adjourned.	
Hon. Jerahmiel S. Grafstein	374	Hon. Mac Harb	385
		Hon. John Lynch-Staunton	385
Business of the Senate		Statistics Act (Bill S-18)	
Hon. Eymard G. Corbin	374	Bill to Amend—Second Reading—Debate Continued.	
Hon. Jerahmiel S. Grafstein	375	Hon. John Lynch-Staunton	386
Hon. Marcel Prud'homme	375	Hon. Lorna Milne	387
Hon. Jack Austin	375	Criminal Code (Bill S-19)	
		Bill to Amend—Second Reading—Debate Continued.	
Implementation of "A Canada Fit for Children"		Hon. Donald H. Oliver	387
Presentation of Petition.		Hon. Bill Rompkey	388
Hon. Landon Pearson	375	Hon. Madeleine Plamondon	388
		Spam Control Bill (Bill S-15)	
		Second Reading—Order Stands.	
		Hon. Donald H. Oliver	
		388	
QUESTION PERIOD		Canada Transportation Act (Bill S-6)	
Heritage		Bill to Amend—Second Reading—Debate Adjourned.	
Children of Mowachaht and Muchalaht First Nations—		Hon. Wilfred P. Moore	
Request to Fund Visit to Ottawa for Opening of Yuquot Exhibit.		389	
Hon. Pat Carney	375	Committee of Selection	
Hon. Jack Austin	376	Third Report of Committee Adopted.	
		Hon. Rose-Marie Losier-Cool	
		389	
Health		The Senate	
Compensation to Hepatitis C Victims.		Rules of the Senate—Motion to Change Rule 135—	
Hon. Wilbert J. Keon	376	Debate Continued.	
Hon. Jack Austin	376	Hon. Sharon Carstairs	
		389	
Canada-United States Relations		Appendix	
Bovine Spongiform Encephalopathy—		i	
Opening of Border to Live Cattle.			
Hon. Gerry St. Germain	376		
Hon. Jack Austin	377		
Agriculture and Agri-food			
Bovine Spongiform Encephalopathy—Aid to Cattle Industry.			
Hon. Gerry St. Germain	377		
Hon. Jack Austin	377		



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 22

OFFICIAL REPORT
(HANSARD)

Thursday, December 2, 2004



THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, December 2, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SIR SAMUEL CUNARD

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement in recognition of Sir Samuel Cunard, whose two-hundred seventeenth birthday was celebrated on November 21 last.

Born in 1787 in the family home off Brunswick Street in Halifax, Samuel Cunard is arguably one of the greatest entrepreneurs ever produced by Nova Scotia or Canada. His spectacular business career spanned over half a century. During this time, S. Cunard & Company became a household name in Halifax, and it endures to this day.

At 52 years of age, he gained international acclaim as the "colonial" who successfully introduced steam to the North Atlantic, when in 1839 he founded the incomparable Cunard Line. Samuel Cunard revolutionized ocean transportation, commerce and communication between the old and new worlds.

On May 28, 2004, Canada Post Corporation issued a stamp to commemorate Samuel Cunard. Launched in Halifax, this stamp recognized the risks and successes of Cunard, including his establishment of the Transatlantic Mail Service between England and Halifax in 1840.

The name Cunard is proudly emblazoned on the world's newest and greatest ocean liner, Queen Mary 2. This luxury liner is the proud replica of the original Cunard liner that frequently visited Halifax, particularly during World War II when she was converted for wartime service and transported more than half a million service men and women. After that war, the Queen Mary brought 50,000 war brides to Pier 21 in Halifax and to their new country, Canada.

Samuel Cunard was a visionary who proved that if you set your sights high and work hard, all is possible. It is, therefore, about time for Cunard to be more fully celebrated by the raising of a statue to him on Halifax's harbourside. We commend the efforts of the Cunard Steamship Society, of Halifax, and its tireless chairman, John G. Langley, Q.C. I thank him for his assistance herein, and I encourage him to continue to work toward the raising of a statue in honour of Samuel Cunard, perhaps on Sir Sam's two-hundred twentieth birthday in 2007.

THE LATE ROBERT MCCLEAVE

Hon. John Buchanan: Honourable senators, I rise to pay tribute to a dear friend of many years, the late Judge Robert Jardine McCleave.

Bob, as he was affectionately called by family, friends and political colleagues, was the longest serving Member of Parliament for Halifax, having been elected in 1957, re-elected in 1958 and 1962, defeated in 1963 but re-elected in 1965 with his running mate, Senator Michael Forrestall. He was re-elected in 1968, 1972 and 1974.

Bob was very helpful to me in my first election to the Nova Scotia legislature in 1967, as, of course, was Mike Forrestall. My constituency was part of their Halifax riding. I was co-chairman of their successful 1965 election win in Halifax and travelled extensively in the riding with both Bob and Mike. From 1967 to 1977, Bob and I campaigned through the Sambro area, Terence Bay and Ketch Harbour, where we visited schools and homes and attended various functions. It was always a wonderful political and personal pleasure and experience to be with him.

In 1977, Bob was appointed a provincial court judge. In 1980, I appointed him Chairman of the Nova Scotia Labour Relations Board, and in 1984 I appointed him chairman of the very controversial hearings into the opening of uranium mines in Nova Scotia.

Judge McCleave carried out his roles as provincial court judge, Nova Scotia Labour Relations Board chairman and chairman of the hearings into uranium mines in a very exemplary way.

Bob McCleave was described by a close friend, Harold Shea, former editor of the *Halifax Chronicle-Herald* and correspondent here on the Hill, as a very kind, generous individual. I echo those sentiments.

Many hundreds of people, family, friends and political colleagues from all parties, attended his funeral in Halifax. I extend my condolences to Sylvia and his children.

• (1340)

YUQUOT

Hon. Pat Carney: Honourable senators, in the last few days you have heard a great deal about the planned exhibit, Encounters at Yuquot, which will open at the Canadian Museum of Civilization on January 21, 2005, to celebrate the historic importance of the traditional home of the Mowachaht-Muchalaht First Nations. However, in my exchanges with Senator Austin on the importance of the 18th century Spanish and British explorations in the area, little has been said about Yuquot itself.

Yuquot, which means "where the wind blows in all directions," is situated on the southern tip of Nootka Island on the northwest coast of Vancouver Island at the entrance to Nootka Sound. Commonly referred to as Friendly Cove, Yuquot can be reached only by water and air. Blessed with a warm, if wet, climate and stunning mountain scenery, Yuquot was central to the Aboriginal people who first came there more than 4,000 years ago. Today, there is little to mark the site beyond two houses that are inhabited part of the year by band families, a small, historic church and a staffed lighthouse on a rocky point that separates the cove from the open Pacific.

Yuquot was the centre of a whaling society for hundreds of years, and buried in the bush is the remnants of the whaling shrine that depicts 92 carved human and whaling figures and contains 16 human skulls. The shrine itself is currently at the American Museum of Natural History in New York, and we are hoping that it will be returned to the Yuquot people.

The band is trying to develop Yuquot as a tourist destination. It is now visited by recreational boaters, kayakers and tourists who make the trip aboard the sturdy coastal freighter *MV Uchuck III*, sometimes accompanied by Luna, the lonely whale who is stranded in the sound and who pesters boats and floatplanes with affectionate but alarming attention.

The Yuquot region was first visited in 1774 by Spanish explorer Juan Perez who sailed from Mexico to anchor his ship off Estevan Point, south of the entrance to Nootka Sound. He traded with the local Aboriginal people but never left the ship.

The first European to establish a temporary settlement at Yuquot was the legendary British explorer Captain James Cook who anchored in Nootka Sound on March 31, 1778 to refit his ships for his voyage to the Hawaiian Islands, where he was killed. Local legend has it that a tall spar, or log, installed as a mast at Yuquot broke off enroute to Hawaii, forcing Cook to seek refuge in a lagoon on Big Island Hawaii, where he was killed in a spirited exchange with local Hawaiians.

In 1789, Captain Martinez established a Spanish fort at Yuquot, which was Spain's northernmost garrison on the Pacific, and the only fort in Canadian territory.

The battle between Spain and Britain for access to the Pacific Ocean, controlled until then by papal decree that divided the Pacific between Spain and Portugal, led to the famous Nootka Convention in 1790, which gave both Spain and Britain rights in the Pacific.

In 1792, Britain's Captain George Vancouver and Spain's Juan Francisco de la Bodega y Quadra met at Yuquot but failed to resolve their dispute.

The Hon. the Speaker: Honourable senators, I am sorry to inform the honourable senator that her three minutes for senators' statements have expired.

Senator Carney: May I finish my sentence?

The Hon. the Speaker: Unfortunately, the rules provide for no means of extending the time.

Shall we not see the rules on this occasion, honourable senators?

Hon. Senators: Agreed.

Senator Carney: They failed to resolve the dispute, despite the watchful assistance of Chief Maquinna, whose descendent Mike Maquinna is the current chief of the band. In 1794, both countries agreed to abandon Nootka and it was returned to its Aboriginal inhabitants.

[Senator Carney]

There are many stories to tell about Yuquot. I urge honourable senators to take advantage of the opportunity provided by the Encounters at Yuquot exhibit in January to learn more about this fascinating era in Canadian history.

INTERNATIONAL DAY OF DISABLED PERSONS

Hon. Wilbert J. Keon: Honourable senators, tomorrow, December 3, 2004, we will observe the twelfth annual International Day of Disabled Persons, a day on which we recognize the dignity and fundamental rights of over 600 million people, worldwide, who have a disability. It is also a day to shed light on disability issues and to promote the benefits to be gained by everyone when people with disabilities are fully integrated into society.

This year's observance focuses on the motto, "Nothing about us without us." This theme is not new. It has been used in the disability rights movement for many years. It supports inclusion of persons with disabilities in determining the policies that impact upon their daily lives. Too often, such decisions by governments, employers and others are made without the meaningful involvement of those who will be affected most.

I am proud to say that the Standing Senate Committee on Social Affairs, Science and Technology has incorporated the spirit of this year's International Day of Disabled Persons into its work by asking all Canadians to participate in the committee's final report on mental health. A questionnaire posted on the committee's website asks people who have been affected by mental illness or addiction to tell their personal stories or express their opinions on how to improve mental health services in our country.

It is the committee's belief that the responses gathered by the questionnaire will provide valuable insight that might not be gathered otherwise.

I hope honourable senators will join me in expressing support for the greater inclusion of all disabled individuals in all aspects, particularly the planning and implementation, of the policies and decisions that frame and will frame their lives.

I would draw the attention of honourable senators to a marvellous report prepared by Senator Smith in 1981, which I believe has never been duplicated in calibre since that time, and which brought to everyone's attention our tremendous problem with disability.

[Translation]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Céline Hervieux-Payette presented Bill S-21, An Act to amend the Criminal Code (protection of children).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hervieux-Payette, bill placed on the Orders of the Day for second reading two days hence.

[English]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT KITCHENER—WILMOT—WELLESLEY—WOOLWICH

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-302, to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT BATTLE RIVER

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-304, An Act to change the name of the electoral district of Battle River.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

• (1350)

[English]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO URGE CHINA TO RESOLVE THE TIBET ISSUE

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, as a follow-up to the goodwill generated by the visit of His Holiness the Dalai Lama to Ottawa last April, the Senate call upon the Government of Canada to use its friendly relations with China to urge it to enter into meaningful negotiations, without preconditions, with representatives of His Holiness the Dalai Lama to peacefully resolve the issue of Tibet.

QUESTION PERIOD

FOREIGN AFFAIRS

UKRAINE—RESOLUTION OF ELECTION RESULTS

Hon. A. Raynell Andreychuk: Honourable senators, I wish to commend the Standing Senate Committee on Foreign Affairs for its initiative in inviting the Ukrainian ambassador yesterday to give a briefing about the current crisis in Ukraine. I also believe that the Government of Canada has taken the proper initiatives, first by denouncing, in a timely matter, the Ukraine election as one that was not free and fair and then by indicating that all peaceful efforts should be continued toward resolving this crisis in Ukraine.

I have, however, been receiving telephone calls and e-mails indicating that the Canadian government may move on sanctions. In light of the evidence we heard yesterday that there has been a round table agreement between representatives from Russia, Poland, Lithuania, the European Union and both candidates, Mr. Viktor Yushchenko and Mr. Viktor Yanukovich, on a tentative agreement on some of the issues, what is Canada's position at the moment? Does Canada maintain that an impartial second election must take place, or is it moving to take further action, as some people in the community believe the government has indicated? I do not know the source of their information, but I would like a clarification.

Hon. Jack Austin (Leader of the Government): Honourable senators, my information is that our position is as stated by Senator Andreychuk. We welcome the developments that have taken place in the Ukrainian Parliament and the tentative steps taken by President Kuchma with respect to a review of that electoral process. We are supportive of an internal resolution of the matter through appropriate steps to determine the electoral process democratically. We believe that no external pressure should be brought to bear.

UNITED NATIONS

MIDDLE EAST—SHIFT IN POLICY ON ISRAEL

Hon. Consiglio Di Nino: Honourable senators, I, too, wish to take this opportunity to thank and applaud the Leader of the Government in the Senate for his very prompt and encouraging response to the question I asked in regard to the government's position on the issue of the possible execution of Tenzin Delek Rinpoche. Many governments of the world have joined in the chorus, and hopefully this action will save Rinpoche's life.

Honourable senators, Canada's Ambassador to the UN, Allan Rock, announced that Canada intends to shift its policy in favour of Israel in UN General Assembly votes on resolutions involving Israel and Palestinian. Now we hear from Liberal MP Derek Lee, who has stated that Mr. Rock has overstepped his authority in making such an announcement and had chastised him for not checking first with policymakers.

For clarity, honourable senators, which is it? Are we to believe Mr. Rock or Mr. Lee on this issue of critical importance to the stability and peace of the Middle East?

Hon. Jack Austin (Leader of the Government): Honourable senators, the statement made by Canada's Ambassador to the United Nations, the Honourable Allan Rock, was made on the authority of the Government of Canada.

Senator Di Nino: I thank the honourable senator for that response.

Did Mr. Rock get the clearance from the Minister of Finance or, indeed, the Prime Minister before making this statement?

Senator Austin: I have answered the question, honourable senators.

Hon. Marcel Prud'homme: As we know, honourable senators, there will be maybe 15 to 25 votes on this issue in particular. It seems obvious that immense pressure has been exercised to distance ourselves from the votes last year. Even so, sometimes we have abstained in these votes, including votes on resolutions, such as the one last year. Now we intend to support the resolution on the "denuclearization" of the region, which I have always favoured. To have a full picture, it may be advisable for Canada to wait until all the votes have been taken on all of the resolutions pertaining to the Israeli-Palestinian conflict. I have already indicated that I will ask for a special debate on that subject.

My question is does the government wish to play a role in the Israeli-Palestinian conflict? If it does, given our past and our great responsibility in 1947, not 1948, perhaps the honourable leader could advise whether Canada must be perceived as being acceptable by both sides in order to be a good broker.

Senator Austin: Honourable senators, I very much appreciate the question from Senator Prud'homme. He has summarized our purpose very well. Our purpose is to be of the utmost assistance to achieving peace in that very troubled Holy Land. That peace depends, in the Canadian view, on an agreement being reached through negotiation by the parties themselves. The objectives of that peace are a secure Israel, free from the current attacks by various elements in the Palestinian community, and a separate Palestinian state, equally living in peace and security and able to develop its economy for the benefit of the Palestinian people.

The statement made by Ambassador Rock relates to only three of 19 resolutions, as Senator Prud'homme is aware. Canada has assessed the resolutions in terms of the words that are being used today as compared to last year or previous years. After a careful review of the drafts and taking into account the new opportunities for peace that may be opening up in the Middle East, the government decided that it would be the right signal to change its position on three items.

In one case, the government has decided to vote in support of a resolution that is in line with our nuclear disarmament and non-proliferation policy. Our vote is, essentially, directed to Israel and asks that Israel sign the non-proliferation treaty, which it has not done up until this time.

• (1400)

In the other two resolutions, we are changing our abstention to a vote against because we believe that those two resolutions have an unnecessary hostile nature to them and would not promote the coming together of the Israelis and the Palestinians in a negotiation toward the peace objectives I have mentioned.

Senator Prud'homme: May I ask the Leader of the Government in the Senate to kindly point out to the government a new trend and, if we allow this new trend to continue, it will become customary. We are told and we believe that there are areas called the "occupied territories," but in this major debate it seems that those pushing for influence want to change the term from "occupied territories" to "disputed territories." This view is shared by a powerful minister in cabinet who has nothing to do with foreign affairs, and it concerns me. Therefore my first point is to make sure that we stick to what has been Canada's policy on this matter and cease in putting forward this new term.

Honourable senators, I am most concerned about our reputation. If Canada wants to perpetuate its reputation of being a fair broker, then I would find myself ill at ease in this new approach, as should many Canadians and the Canadian government. If we end up voting with the United States and Israel, and maybe Micronesia, the Marshall Islands, Vanuatu and Tuvalu in this new trend, Canada may be letting down other important friends. It would mean that there is, indeed, a new switch taking place and it would be subject to debate.

My two points, honourable senators, are: to remind officials and even cabinet ministers that the phrase is "occupied territories" not "disputed territories," as we are having pushed down our throats. As well, we must be careful whose company we are voting in, if Canada wants to show the rest of the world that we want to play a role. If we vote the other way, Canada will not be in a position to play a role. It would be very sad if that were to happen.

Senator Austin: Honourable senators, I do not want to get into a debate with Senator Prud'homme during Question Period. However, I want to reiterate that Canada's policy towards the Middle East issue is a balanced one and seeks to promote the cause of peace and seeks to play a role, with the agreement of both sides, in facilitating that peace process.

Canada's view is that it stand on all 19 resolutions. That is its position.

AGRICULTURE AND AGRI-FOOD

AID TO FARMERS—COMMENTS BY MINISTER

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate.

Statistics Canada has reported that net farm income bottomed out in the year 2003 to the lowest level since 1978. Prairie farmers are hardest hit, with net cash income plunging to 65 per cent in Alberta, 62 per cent in Saskatchewan and 45 per cent in

Manitoba. At the same time, we heard from the province of Quebec that farmers were protesting, across the province, the situation that exists there.

My question relates to an article that appeared in the Regina *Leader-Post* newspaper on November 26, which reported on comments made by the federal minister at the Canadian Western Agribition, which is one of the country's largest livestock shows. In the article, entitled "Minister pledges support," Andy Mitchell seemed to imply that additional support might be on the way for producers facing grim financial situations.

Is this new money that is being appropriated to meet the need in agriculture; or is it not new money?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have not seen the story as reported by Senator Gustafson. I responded yesterday to a question asked by Senator St. Germain that the Minister of Agriculture is reviewing this situation day by day.

I have no further information I can give to the honourable senator with respect to his specific question.

Senator Gustafson: Honourable senators, the minister is in the cabinet. Would he inquire for us from the Minister of Finance, Mr. Goodale, who is from Regina, and also the minister responsible for agriculture, whether this is new money, so that the farmers will know where they stand?

Senator Austin: Honourable senators, I will inquire into the accuracy of the story presented and, if I can provide the honourable senator with further information, I will do so.

HEALTH

SPREAD OF HIV/AIDS— AVAILABILITY OF INCREASED FUNDS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it is a follow-up to a question I asked yesterday of the Leader of the Government about how long it would be before generic drugs could be shipped to Africa. Today I will ask about the federal government's funding commitments to fight the spread of AIDS in our own country.

The last federal budget doubled this commitment to \$84 million over a five-year period. However, that money has not yet been distributed. Health Canada says it is working on related administrative matters which have yet to be finalized.

Could the Leader of the Government in the Senate provide some details on when this money will be available for use in Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to obtain that information from Health Canada and provide it in the form of a delayed answer.

Senator Oliver: The United Nations reported last week that AIDS infection rates for women are up in every region of the

world, and Canada is no exception. Over the past three years, women have accounted for 25 per cent of the new HIV/AIDS diagnoses in our country.

The HIV/AIDS infection rate in Canada's minority groups is also alarming, especially among African-Canadians and Aboriginals. For example, Health Canada reports that, while Aboriginals make up 5 per cent of Canada's population, they comprise 25 per cent of our HIV infection rate.

When the increased federal spending is made available, would the Leader of the Government kindly advise, will it be specifically targeted to address the rising infection rate among these groups?

Senator Austin: Again, honourable senators, I will pursue the direction of Senator Oliver's question and endeavour to provide information as soon as possible.

JUSTICE

VICTIMS OF CRIME INITIATIVE— INVOLVEMENT IN PAROLE HEARINGS

Hon. Marjory LeBreton: Honourable senators, according to media reports last week, records obtained by the Canadian Resource Centre for Victims of Crime under access to information revealed the ongoing costs of a victims' assistance program would be \$1.7 million. That is \$1.7 million the government, apparently, is not willing to spend under its Victims of Crime Initiative. Victims are trying to get help. Government documents stated that "increasing pressure" was anticipated for cash assistance to help victims to get to hearings. One document states:

The most persuasive argument is that, in the absence of means to attend hearings, the government hasn't really given victims a voice at parole hearings.

• (1410)

Honourable senators, this government has long claimed to support victims of crime. When former Justice Minister Anne McLellan set up the initiative back in 2000, she said:

This funding has been put in place to help organizations better meet the needs of victims and those who work with victims.

The government's lack of action speaks louder than its words. It seems that including victims of crime in the criminal justice process is not a priority for this government. Will the honourable leader tell us when the government will start helping victims attend parole hearings?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries to see whether the facts alleged in Senator LeBreton's question are well-founded.

Senator LeBreton: The information obtained through access to information is probably accurate.

The *Toronto Star* reported that the public safety department is "considering assistance" but that it may be just one of many "competing claims for government cash." Will the government revamp the Victims of Crime Initiative to ensure that needy victims are able to get to parole hearings so they feel they are receiving some justice out of our system?

Senator Austin: Honourable senators, I hope to report at an early time on the question raised by Senator LeBreton relating to victims of crime.

CANADA-UNITED STATES RELATIONS

MEMORIAL TO VICTIMS OF WORLD TRADE CENTRE— DONATION BY GOVERNMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canadians, along with many others around the world, were horrified on September 11. Indeed, Canadians numbered among the victims of the tragedy at the World Trade Centre. A memorial foundation has been established to oversee the construction and operation of a memorial to the victims of the World Trade Centre disaster. Will the Government of Canada, on behalf of all Canadians, look into making a significant contribution to honour the memory not only of the Canadian victims of that tragedy but for all who have been victimized by it?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will certainly make inquiries and take Senator Kinsella's representation to the minister.

STATUS OF WOMEN

IMMIGRATION POLICY ON ALLOWING ENTRY TO EXOTIC DANCERS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canadians have watched, with a fair degree of confusion, the dispute over awarding visas to exotic dancers. As an issue of policy, surely all members of this honourable house are of the view that women's rights are a fundamental value in Canadian society. We are not surprised that there would be a high demand in Canada for exotic dancers because Canadian women, pursuant to Canadian values, do not want to be objectified or victimized in the sense of the continuing effects of gender discrimination.

Could the Leader of the Government in the Senate compare the advancement of women's rights in Canada — including the right not to be treated as objects and the fact that this value is expressed by Canadian women refusing to participate in that trade — with the policy of the Department of Citizenship and Immigration of giving preference to non-Canadians to come to Canada to fill an occupation to which Canadian women are not responding? Does the government not find that there is an inconsistency here? Does it have plans to build its program on the policy of non-discrimination against women?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is a central Canadian value that there is non-discrimination against women and others who have been defined as classes in society. Canadians are devoted to the Charter and to its provisions for equality.

With respect to the question of exotic dancers, since 1998 a Department of Citizenship and Immigration visa program, based on normal considerations, has permitted immigration, both temporary and otherwise, for categories of people with skills that are in short supply in Canada. This program has now been discontinued as a discrete program, but Canadians are still permitted to apply to have people come into Canada who are dancers, exotic or otherwise. The category still exists with respect to women who seek positions in Canada as domestic workers.

Honourable senators, I would suggest that neither that category nor any other category in the immigration system acts against equality of rights and the standing of women. The occupation in question is legal, and so long as it is performed legally, there can be no argument with respect to gender discrimination.

Senator Kinsella: Honourable senators, a lot of things are legal but not just. Canadian women have spoken very directly in saying that exotic dancing is not an area that speaks to the elevation of the status of women in Canada. Why did the government allow its officials in the immigration department to use their bureaucratise to define this as a special category?

The allusion to domestic workers encompasses a whole category of problems in and of itself. This honourable house might want to research the abuses that from time to time are reported in that field.

With regard to the exotic dancing field, it is important to underscore the point that Canadian women, in not applying for these jobs, are stating that this field of endeavour should not be supported. Therefore, there is an apparent disconnect between Canadian women and the Department of Citizenship and Immigration setting this field up as a special category. However, I thank the minister for his answer.

Senator Austin: Honourable senators, I thank the honourable senator for his comment. I should like to add that there is nothing inherently illegal or discriminatory in the category of a domestic servant or in the category of an exotic dancer. That there may be abuses in this category does not deal with the question of gender discrimination.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I should like to deal first with Bill S-18 today and then call all other bills in the order in which they stand on the Order Paper.

• (1420)

STATISTICS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would like to comment briefly on Senator Lynch-Staunton's speech of yesterday with respect to the e-mails that have been forthcoming from those in favour of the bill and the misinformation contained in them — not all of them, but a significant number of them. Not only did Senator Lynch-Staunton receive those e-mails, but I did as well. The honourable senator has a right to be a little upset because he knew nothing about the fact that there may or may not have been another private member's bill tabled. He has a right to be upset and shocked at that kind of behaviour. On the other hand, I was just disappointed. I understood where it was coming from.

I want to begin by identifying myself with the statements made previously in this debate by Senator Comeau, who I believe gave an excellent speech with respect to this bill.

I am fundamentally opposed to this bill at this stage. What does this short bill mean? It has only two clauses. Having been introduced by Senator Milne as a private senator's bill a few Parliaments ago, it now comes before us as a government bill. It allows for the release of historic census records, without condition, 92 years after the date of the census. It also contains provisions to authorize Statistics Canada to seek permission from Canadians to deposit their individual census records at the National Archives building of Canada for further research purposes.

The issue of confidentiality of census information was canvassed in two legal opinions alluded to by Senator Milne in her speech in support of this bill. As I understand it, it was on the basis of these legal opinions that the results of the 1906 census records were released to the National Archives. This bill is designed to allow release of data from 1911 to 2001 to the National Archivist on the ninety-second anniversary of each census. The National Archivist is then given permission to grant access to this information. However, as Senator Comeau has pointed out, this, despite the legal opinion, seems to be quite a departure from the present law and the confidentiality clauses contained in the census forms filled out by Canadians from 1911 to the present.

Section 17 of the Statistics Act as presently written indicates that there is a "prohibition against divulging information," and section 18 states that information given on the census form is deemed to be privileged.

Looking at the census form, it seems clear, at least to a non-lawyer like myself, that a statement relating to Statistics Canada and stating that "no one outside the agency can have access to your identifiable information" means no one gets the information, with no time limit on that undertaking. The form goes on to say "confidential when completed" and "confidentiality of your census questionnaire is protected by law," which again seems fairly straightforward. It does not say, "protected by law until the law is changed" or "confidential until we say different." No, those who have filled out these forms were comforted and guided by the fact that they believed that the completed forms would be kept secret — perhaps used in a generic way to help government track down trends in society, but not in a way that would result in its public release.

If the government wanted to make this information public, they should change the law now, but change it for future census years and future census forms. One of the greatest hallmarks of law is that it is to be predictable and non-retroactive. This legislation breaks both of these conventions. It brings unpredictability to bear on a subject of immense personal privacy. It also changes the law in such a way as to have a retroactive effect.

We have all argued in this chamber against this type of legislation in the past, and we should take a stand against it again in relation to Bill S-18: no retroactivity.

Bill S-18 also retroactively breaches one's entitlement to the protection of privacy. Those who filled out these forms, even those who did so 92 years ago, before we ever talked about the crystallization of a right to privacy, believed their information should not be divulged. We in this chamber should respect the understanding of those who in 1911 filled out census forms.

Senator Comeau asked: Are there consequences for breaking promises made long ago? I believe there are. We are continually told that those who are involved in politics are held in low esteem by the public. We are also told of public apathy at election time. What type of examples are we setting for the public at large if we can so easily ignore promises made to fill out these forms so many years ago?

We, as legislators in Canada's national Parliament, hold our power and authority as a sacred trust given to us by the people of Canada. If we are to exercise that trust in such a way as to violate rights set out so long ago, I believe we are actually breaking that trust as we act to take away rights, the rights of privacy and confidentiality, and that we are feeling this apathy and disrespect for politics which is so rampant in Canada today.

Honourable senators, this is not a good bill and should not pass this chamber. I look forward to our committee discussions, which I believe should focus on our duty to uphold promises made long ago in an effort to ensure that rights conferred are not taken away.

In closing, I look at this bill particularly in light of today's world. We have all kinds of information on the importance and the significance of individual privacy, as reflected in Senator Oliver's bill on controlling spam and other bills coming forward to protect individual privacy, and yet Bill S-18, totally disregards promises made to maintain that privacy. That is wrong.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I have listened carefully to the debate and will be adding my comments next week.

On motion of Senator Kinsella, debate adjourned.

[Translation]

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

THIRD READING

On the order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Carstairs, P.C., for the third reading of Bill S-10, a second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Hon. Pierre Claude Nolin: Honourable senators, it is with great enthusiasm and pride that I want to reaffirm in this place, in this debate at third reading, the official opposition's unqualified support for this bill.

I want to congratulate my colleagues who participated with a great deal of diligence and rigour in the consideration of this bill in committee. I would have liked to be with them, but I was held up elsewhere. I did, however, follow your debates very diligently by reading the proceedings.

First of all, I would like to say a few words about the importance of this bill. Canada is the only country in the world where the two main civil legal traditions, namely the French derived civil law and the British derived common law, legally coexist. Needless to say, the French civil law has full, complete and exclusive jurisdiction in the province of Quebec, while the British common law has full jurisdiction in the other Canadian provinces.

For the sake of understanding in this debate, a little background is important. My colleagues at the Standing Committee on Legal and Constitutional Affairs will find nothing new in what I have to say, but those who take an occasional interest in the issue may, because there are very important reference points.

• (1430)

First, these two systems of law, like the two official languages of Canada, for example, are equal. One is not more important than the other; both, in their geographical areas, are of equal value. Thus the importance of harmonization.

Some may wonder perhaps how it is that, within a system of common law, or in the case of Quebec a system of civil law, the larger must fit in with, harmonize with, the smaller.

This is poor logic. It is a legal fiction, the result of the compromise responsible for the very origins of our country. Anyone not understanding that has his head in the clouds. The Civil Code of Lower Canada is what lies behind that Canadian compromise. Without it, there never would have been a province of Quebec. George-Etienne Cartier would never have agreed to the Canadian compromise. The two regimes have full jurisdiction over their respective geographical areas; they are equal.

To repeat what I said at second reading, this harmonization of federal laws is — and I suggest you accept this argument — an eloquent demonstration of the undeniable advantages of our form of government. It is a form of government which allows the coexistence of two systems of private law. With this process, federal legislation will be harmonized with these two systems which, I might add, have been under the authority of the provinces since 1867.

This explanation is necessary to an understanding of the mechanics of the harmonization process. It is a process I find to be taking a bit too long. At the beginning of the process, in 1999, we were told that there would be about ten such harmonization acts and they would come out once a year. After five years, here we are with only the second. I feel the speed needs to be picked up.

I do, however, have the utmost respect for the work done by the Justice Department staff, who have had to adapt federal legislation as it affects the private rights of Canadians anywhere in Canada, regardless of which jurisdiction they fall under, and harmonize that legislation. I understand the importance of what they are doing, but I do feel that the speed needs to be picked up a bit.

A huge terminological effort is involved. The words have to have the same meaning for everyone before the courts, wherever they may be and regardless of the system of private law used. That is why terminology is so important. That is where an effort needs to be made.

This harmonization became necessary, indeed, mandatory after the adoption of the new Civil Code of the province of Quebec in 1994.

As I said, the province of Quebec has had a code of civil law going back to 1866. From 1866 to 1994, in Quebec, the Civil Code of Lower Canada governed the rights of individuals. It is a law that has evolved. During all that time, it was the law for Quebecers; it even evolved differently from the French law on which it was originally based.

Quebeckers have adapted this civil law to their own reality and in 1955 the Government of Quebec came to the conclusion that it needed to undertake a complete reform of the Civil Code because it could no longer be done piecemeal.

Thus, the first reform began in 1955, the second in 1980 because of the modernization of family law, and the comprehensive reform of the Civil Code in 1990-91, which led, in 1994, to the new Civil Code of the province of Quebec. The changes were extensive

enough that all lawyers and judges in Quebec had to go back to school to study and relearn certain concepts that, with the reform, had changed considerably.

I agree with those who have remarked that the new Civil Code is a coming of age for the Quebec legal system.

We inherited a code that had been greatly influenced by the French. We had been adapting it for a long time but, in 1994, we wiped the slate clean and adopted a code whose concepts truly reflect the reality and the civil evolution of Quebecers.

I would like to read you a passage from the book, *Commentaires du ministre*, by former Justice Minister Gil Rémillard, who presided over the introduction of the new Civil Code. He wrote:

The purpose of the reform of the Civil Code was to convey, at the dawn of the 21st century, the profound changes that have taken place in Quebec society with respect to social and family relationships, values, knowledge, the economic context, and the new perspective of human relationships in society since the adoption in 1866 of the Civil Code of Lower Canada, and to bring the legislation into line with the present reality. But this reform does not abandon the previous legislation: it extends, improves and consolidates it.

In my view, this harmonization process became mandatory after the reform in 1994. However, the fact remains that since 1867, roughly 300 federal laws have, in their entirety or in large part, affected the private rights of Canadians and, in a very legal way, interfered in provincial jurisdictions. I am not saying that Parliament has acted in contradiction of the intentions of the Constitution. On the contrary, Parliament may full well, in the exercise of its authority, influence and disrupt individual civil rights and has done so some 300 times.

Understandably, Quebec civil lawyers accustomed to legal precision and their own terminology, and even more so members of the public, have the right to ask questions and demand changes when faced with federal laws that do not take their legal sensibilities into account.

When the new Code took effect in 1994, it seemed obvious to Quebecers that from that moment on Parliament had to make a comprehensive effort of harmonization in federal law. That is what we are doing now.

That is why the official opposition, here in this Chamber, eagerly and unreservedly supports this effort, which it would like to see advance more quickly. We will pass bills as they come in and we want to make our support very clear.

I remind you, honourable senators, that this is not a matter of one law absorbing another. There is no reason whatsoever to be concerned or to think that Quebec's system of law will interfere with the common law of the other provinces.

• (1440)

Those who, unfortunately, spread this kind of myth, have never stopped to consider how our country came to be. It was the result of a compromise. It did not happen out of the blue; it was not easy, but it happened. Today, we are asked to harmonize civil law and common law in federal legislation. It follows naturally and equitably from this compromise, and that is why we have to support this harmonization reform.

The Hon. the Speaker *pro tempore*: Are the honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to, and bill read the third time and passed.

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Aurélien Gill moved the second reading of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

He said: Honourable senators, it is with great pleasure that I rise at second reading stage of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

This bill will give legislative effect to the government reorganization that was announced on December 12, 2003 as it affects Parks Canada, the Department of Canadian Heritage and the Department of the Environment.

The bill will update existing legislation to reflect two Orders-in-Council that came into effect in December 2003 and July 2004. They transferred control and supervision of the Parks Canada Agency from the Department of Canadian Heritage to the Department of the Environment. The bill also clarifies that Parks Canada is responsible for historic places in Canada, and for the design and implementation of programs that relate to built heritage.

The bill is primarily technical in nature. It updates the Department of Canadian Heritage Act and the Parks Canada Agency Act. It also amends the statutes that enable Parks Canada to deliver its mandate, notably the Canada National Parks Act, the Historic Sites and Monuments Act, the Canada National Marine Conservation Areas Act, the Species at Risk Act, the Canada Shipping Act, and the Heritage Railway Stations Protection Act.

Canada's national parks, national historic sites and national marine conservation areas represent the soul of Canada and are a central part of who we are and what we are. They are places of magic, wonder and heritage. Each tells its own story. Together, they connect Canadians to our roots, to our future and to each other.

I would like to assure the Senate that Parks Canada's organizational integrity has been maintained. Parks Canada remains committed to working with Canadians to protect and present nationally significant examples of Canada's natural and cultural heritage for present and future generations.

[English]

Responsibilities for safeguarding and celebrating heritage will continue to be shared among departments and agencies across government. I would like to assure the Senate that Parks Canada's organizational integrity has been maintained.

[Translation]

Built heritage includes sites, buildings, and monuments recognized for their historic value. It includes battlefields, forts and citadels, shipwrecks, archeological sites, cultural landscapes, bridges, houses, cemeteries, railway stations, historic neighbourhoods, ruins, technological marvels, schools, canals, courthouses, theatres and markets.

Responsibility for built heritage is assumed through various programs including national historic sites, federal heritage buildings, heritage railway stations, federal archeology, heritage shipwrecks, and the federal role in the historic places initiative. These activities interest all the senators and the general public.

Through the Parks Canada Agency, the Minister of the Environment is responsible for three key sectors: the management of built heritage under Parks Canada, federal government leadership for built heritage and Canada-wide leadership for built heritage sites.

Senators are probably most familiar with the first sector, the role of Parks Canada as the steward of national historic sites. Parks Canada is responsible for Canada's program of historical commemoration, which recognizes nationally significant places, persons and events. The aim of this program is to celebrate Canada's history and protect sites of historic significance.

Parks Canada administers approximately one-sixth of 900 national historic sites that attest to the richness and diversity of our country's history. Its role as steward of these sites and their historic value and resources is similar to its role with regard to national parks. Unfortunately, a great many of the built heritage resources under Parks Canada are at risk.

The Auditor General's report on protection of cultural heritage in the federal government indicates that two-thirds of national historic sites and federal heritage buildings under Parks Canada are in poor to fair condition. Despite strong management systems that put care for cultural resources at the centre of planning and

reporting for national historic sites, the future of many of these places continues to be threatened. Repairs to masonry and wooden structures weakened by the harsh climate are continuing, as is the case for the Fort Henry National Historic Site, which is in need of repair. Coastal erosion threatens to literally wash away significant portions of the Fortress of Louisbourg National Historic Site.

These examples are symptomatic, not exceptional, of the state of our cultural resources and of the infrastructure that supports the ability of Canadians to visit such sites. These resources, once lost, will be gone forever and with them will go their evocative testimony to Canada's dramatic past. Addressing the ongoing deterioration of resources needs to be a priority for this government.

Federal government programs relating to built heritage are the minister's second key area of responsibility. Through its leadership in the Federal Heritage Buildings Program, Parks Canada works with departments to protect the heritage character of buildings while the property is within federal jurisdiction.

The Auditor General has indicated that problems similar to those for national historic sites administered by Parks Canada exist for national historic sites and federal heritage buildings administered by other federal departments. The government is considering ways to respond to the Auditor General's concerns over weak conservation standards and accountability requirements, as well as the recommendation to strengthen the legal framework to protect built heritage. For many years Canada has lagged behind other G-8 nations, and its own provincial and territorial governments, in the protection of historic places.

• (1450)

The minister's third area of responsibility is to provide Canada-wide leadership in built heritage. Only a small portion of historic places in Canada are owned by the federal government, so cooperation with the provinces and territories is key.

[English]

Decade after decade, more historic places are being lost. The remaining heritage buildings and structures, cultural landscapes and archeological sites continue to be threatened. Recognizing the need to defend its results to protect built heritage, the Government of Canada has responded with the launch of the Historic Places Initiative, the most significant conservation effort related to historic sites in our national history.

[Translation]

The Historic Places Initiative is based on the acknowledgement that government alone cannot save all historic buildings and other historic places. The keystone of the initiative is a broad national coalition with provinces, territories, and municipal governments, coupled with equally valuable contributions involving Aboriginal peoples, heritage experts, and a comprehensive number of institutions, organizations, communities and individuals. In the field of heritage we are truly in an era of policy interdependence.

The goals of the initiative are to create a culture of heritage conservation in the country by providing Canadians with basic tools to preserve and commemorate historic places under federal jurisdiction. Strategies focus on helping Canadians build a culture of conservation.

Moreover, through this Historic Places Initiative the government is also committed to continue to work closely with Aboriginal people to enhance the commemoration of their history within the system of national historic sites. In partnership with the First Nations, the government intends to increase its efforts in the creation of parks and sites to commemorate their history.

You will agree that there is still a great deal to be done and substantial progress to be made in this area. But I am convinced that we will soon see an increase in the number of historic sites with historic importance for the First Nations and enhanced preservation of those sites.

In addition to increasing the number of Aboriginal history designations, the government, through Parks Canada, intends to work closely with First Nations communities, which will translate into more purchases from Aboriginal businesses, higher employment rates, strengthened economic relationships, and enhancement of Aboriginal themes in relevant parks and sites.

It is heartwarming to see that the voices and the stories of the First Nations are gradually occupying a larger place in Parks Canada's programs. The First Nations want to be appreciated as an intrinsic part of Canada's history, which often appears to begin with colonization.

For us, identity is closely entwined with the land, which shapes our way of life. Our heritage and our culture must be taken more seriously and there must be greater respect for the sacred places and burial grounds found all across the land. Public opinion must better recognize the First Nations' attachment to the places associated with rituals and ceremonies.

We hope that this greater emphasis on Aboriginal history will take us out of prehistory and give us our rightful place in the history of this country.

We continue to hope that one day in the not too distant future important aspects of First Nations culture will be better known and respected by the majority of Canadians. We hope, for example, that an Inukshuk will no longer be viewed as just a pile of stones, but as a true symbol signifying passage and presence, a monument to the glory of the age-old way of life of the Inuit. We hope our elders will no longer be viewed as mere tourists sporting a few feathers at the entrance to parks containing sacred sites!

One of the interests of this government initiative is to review legislation on historic sites in order to protect First Nations heritage.

In my opinion, this is a heritage that should be known, respected, studied, supported and preserved.

Honourable senators, this interesting little aside is one of the many reasons you should support this bill. The protection of Canada's built heritage is not only about saving what is meaningful from the past. It is also about sustaining communities for today and tomorrow. Rehabilitation of existing buildings capitalizes on the energy invested in the original structures and prevents unnecessary use of new materials and energy.

Less demolition means reduced pressure on landfill sites. The revitalization of historic downtown areas decreases the need for new civic infrastructure, such as roads, sewers and public transit. By contributing to such sustainable communities, public policy truly makes a difference in people's lives.

Consensus has emerged on the role that Canada and Canadians want for historic places in our lives and in our communities. One of the common goals is the need to provide all Canadians with the practical information and tools they need to protect historic areas. The launch in 2004 of the *Canadian Registry of Historic Places* is a product of that collaboration.

[English]

For the first time in one place, Canadians will have a register of the buildings and sites that are recognized as historic by any level of government. It is anticipated that the register will contain approximately 20,000 historic places when it is fully populated. The register will be an important tool for policy makers, community organizations, teachers, students and families who want to learn about and help preserve the past.

[Translation]

Another important accomplishment is the development of the *Standards and Guidelines for the Conservation of Historic Places in Canada*, which provide clear, accessible guidance to achieve good conservation practice. This document was developed in consultation with federal, provincial, municipal and non-governmental stakeholders, so there would be a common benchmark for conservation principles and practices in Canada.

It has already been adopted by Parks Canada and by several provincial and municipal jurisdictions. The *Standards and Guidelines* are a model of promoting a new approach to the science and the technology of building conservation and promoting and circulating this information broadly to all Canadians.

Parks Canada also implemented the Commercial Heritage Properties Initiative Fund, a new program announced in 2003 to engage the private sector in the conservation of historic buildings. This fund is a four-year, \$30-million plan designed to tip the balance in favour of conservation over demolition.

It provides financial incentives to eligible commercial historic places listed on the registry, to encourage a broad range of commercial uses for historic properties within our communities. Fiscal measures such as this program are central to helping to engage others to achieve the government's goal for built heritage.

Historic places bring us together around our past, and inspire our future. They provide places of discovery for our children. Both new citizens and Canadians of long-standing will find common benchmarks.

What we cherish as part of our national identity we also recognize as part of our national responsibility. All Canadians share the obligation to preserve and to protect Canada's unique culture and national heritage.

• (1500)

Together we hold our national parks, national historic sites and national marine conservation areas in trust for the benefit of this generation and future generations.

The agency will continue to play a critical role in the protection of heritage places, and it is through this role that it earns the respect of Canadians and the admiration of the international community.

[English]

Honourable senators, I respectfully encourage all of you to join me in passing Bill C-7.

Hon. Serge Joyal: I know that by tradition and by convention the Leader of the Opposition has the first question. If he has a question, I would certainly defer to the honourable Leader of the Opposition.

[Translation]

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to propose the adjournment of the debate, but first I want to put a question to Senator Gill. You mentioned that the Auditor General noted certain problems concerning the Parks Canada Agency. You said that the government was now in a position to examine the issues raised by the Auditor General. Could you provide more specific information on the government's recent policy regarding the problems raised by the Auditor General?

I have a supplementary. Do you think that the transfer of the Parks Canada Agency from the Department of Canadian Heritage to the Department of the Environment will facilitate the solving of the problems mentioned by the Auditor General?

Senator Gill: Honourable senators, based on my understanding of the current policy, we must recognize that we are no longer able to adequately maintain historic sites, monuments, buildings, et cetera, without some help. This admission follows the Auditor General's remarks. This means that we must share with members of the public, provincial governments and others the costs incurred.

Approximately one-sixth of historical monuments are maintained at federal government expense, and that is not enough. The policy states clearly that the public needs to be more involved, including Aboriginal groups, when it concerns them. We will perhaps then manage to better preserve our heritage.

[Senator Gill]

Senator Kinsella: I appreciate your response. I was very pleased to hear your comment about the national parks that will, with nothing but good intentions, be showcasing Aboriginal cultures. I get the impression you feel as I do that this will, however, further perpetuate stereotypical ideas about those cultures.

Senator Gill: Honourable senators, this question affects me directly and I do not seek to lay blame on anyone in particular. We are becoming more aware of the existence of the culture of the First Nations, some of whose civilizations go back for thousands of years. Aboriginal people have not, however, always done anything to help dispel those stereotypes.

I remember when an Aboriginal delegation went to Europe in connection with the fur boycott. For the most part, the Europeans were disappointed we did not turn up in feathers and regalia. Our message was this: for once, please listen to us instead of looking at us! More of this is needed. Neither side is to blame more than the other. The Aboriginal people are responsible for the creation of these stereotypes and it is high time things changed.

Senator Joyal: Honourable senators, I would like to ask Senator Gill one thing. I have listened to his speech carefully, particularly his reference to Aboriginal culture. I have some concerns from reading the bill, for instance clause 1, which reads as follows:

[English]

...functions of the Minister extend to and include all matters over which Parliament has jurisdiction...

[Translation]

Here is my concern.

[English]

...all matters over which Parliament has jurisdiction...

[Translation]

As Senator Kinsella was saying earlier, in the development of sites that represent encounters between Aboriginal civilization and our European ancestors, traditionally Parks Canada has always placed greater emphasis on the European presence. Allow me to give you an example.

[English]

If you have visited the site in Ontario especially, in Midland, it emphasizes much more the history of the French missionaries of the period than in fact the impact of the missionaries over Aboriginal culture.

[Translation]

Yesterday during our debate on the harmonization of civil law and common law, a number of us, including yourself, Senator Gill, and Senators Watt and Sibbeston, pointed out the extent to which Aboriginal people were making an effort to gain recognition for their culture, identity and languages. Still, I am

concerned with the way this bill is drafted. We will still be standing on the outside of First Nations history on First Nations land, as you said yourself, because the Canadian government has no jurisdiction within Aboriginal lands. It is up to the First Nations themselves to define how they want to present themselves and how they will describe themselves with respect to the diversity of cultures enjoyed by Canada.

I am trying to recall, from memory, how many Canadian parks, administered by the Parks Canada Agency, are really Aboriginal parks, and not parks dreamed up in a version of history involving White people dominating the Natives, to use those traditional terms. This is an extremely important component of the new approach that must be developed by the minister responsible. However, I do not see anything in this bill that could bring about a renewal of the principles to be respected when showcasing Aboriginal heritage.

There are also enormous unsolved problems in Canada involving the ownership of Aboriginal artifacts located elsewhere than on Aboriginal lands, and the honourable senator knows what I am referring to. Are you really confident that the bill as it is currently worded would make it possible to reframe the appreciation of Aboriginal heritage in the way you have described in your presentation?

• (1510)

Senator Gill: If I understand correctly, the aim of this bill is simply to transfer responsibilities from one department to another. For example, Heritage Canada and the Parks Canada Agency are transferring responsibility from the agency to the Department of the Environment. I saw it as a change in administration and responsibilities. I allowed myself to say a few words but I did not think it was an appropriate opportunity to go any further. In fact, I was given the mandate of suggesting to the honourable senators that this bill was appropriate legislation in response to demands to simplify the administration. It was with that in mind that I said what I had to say, but this is not the time to take the matter any further.

I accepted this bill, thinking it was mainly technical in nature and I would have a chance to say a few words.

On motion of Senator Kinsella, debate adjourned.

[English]

**MARRIAGE (PROHIBITED DEGREES) ACT
INTERPRETATION ACT**

**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Anne C. Cools moved second reading of Bill S-4, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

On motion of Senator Cools, debate adjourned.

SUPREME COURT ACT

**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Anne C. Cools moved second reading of Bill S-7, to amend the Supreme Court Act (references by Governor in Council).

On motion of Senator Cools, debate adjourned.

JUDGES ACT

**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Anne C. Cools moved second reading of Bill S-8, to amend the Judges Act.

On motion of Senator Cools, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

**THIRD INTERIM REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE**

The Senate proceeded to consideration of the fifth report (third interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*, tabled in the Senate on November 23, 2004.—(Honourable Senator Kirby)

Hon. Joan Cook: Honourable senators, I should like to bring to your attention three reports tabled here in the Senate last Tuesday by the Chair of the Standing Senate Committee on Social Affairs, Science and Technology on mental health, mental illness and addiction in Canada.

To date, we have learned that care for individuals with mental illness and addiction involves a complex mix of services delivered through federal, provincial and municipal jurisdictions and private providers. It also includes initiatives by mental illness and addiction consumers.

Rural and remote communities account for between 20 and 30 per cent of the total Canadian population. Many of the challenges faced by these communities in providing mental health and addiction services are mirrored in urban centres such as the need for integrated and seamless service delivery. However, the problems involving access to services and the provision of human resources are usually more pronounced in rural and remote areas, and mental health consumers must travel great distances to receive services that are fragmented and uncoordinated.

Depending on the severity of the illness, it can be quite a challenge to access mental health care and addiction treatment, as well as to obtain adequate support services such as housing, education and disability benefits. Mental health care is a mix of acute care services in general hospitals, specialized care for specific disorders or populations, outpatient community clinics and community-based services which provide psychosocial

support and private counselling. In most jurisdictions, these services operate in separate silos and all too often are detached from the formal mental health care system. This is not effective and is a fundamental problem of the mental health care system. We heard this time and time again.

Witnesses repeatedly expressed to the committee how frustrating and overwhelming it is to navigate through the current system. There is a call to improve it by supporting integrated service delivery which focuses on a seamless continuum of programs, services and supports that are available at every stage of life and as close to home as possible.

Services must be realigned to create clear points of entry and exit, and clear accountabilities. Infrastructure must support linkages and protocols, including processes for information sharing and identifying key liaison staff members. Also, methods must be developed to monitor and evaluate best practices.

A good example of service linkages exists in my home province of Newfoundland and Labrador. In February of this year, the Health Care Corporation of Saint John's opened a 24-hour a day psychiatric assessment service and a short-stay unit at the Waterford Hospital. Thanks to this service, individuals detained by police under the province's Mental Health Act are no longer taken to the city lock-up. They are now assessed in a timelier manner and in a health care setting.

Honourable senators, it is important to recognize that all parts of the system must have the common goal of providing support to individuals in the least intrusive and most time-sensitive way.

As with other health services, mental health services and addiction treatments are quite weak in rural and remote areas of the country, especially in First Nations communities. In addition to the stresses of dealing with their illness, these people are often required to travel long distances, which is costly and inconvenient for them. For some, the psychological and financial burdens of leaving the support systems in their own communities are overwhelming, so they remain undiagnosed and/or untreated.

• (1520)

The Canadian Mental Health Association has said that rural and remote communities may also experience mental health issues triggered by a host of unique factors such as out-migration and high unemployment rates. According to the association, simply transplanting urban mental health workers into rural settings, even if they are willing to relocate, would not necessarily produce professionals qualified to deal with distinctive rural issues and culture.

Health Transition Fund studies have shown that, since many rural communities have limited resources and services, collaboration among providers or realignment of existing programs is a prerequisite to solving some of the rural health service delivery problems.

Health care providers need to share knowledge and pool resources. Ineffective services must be eliminated to improve and streamline access to mental health care and reduce the current fragmentation.

The committee also heard that some services have been consolidated by forming voluntary networks and alliances but, invariably, the burden falls on the families. This is unfair.

Honourable senators, we are looking to create a system that offers choices to people living with mental illness and addiction, choices that promote independence and recovery. These services should be suited to those who use them, and they should be culturally sensitive and non-discriminatory. This should be the case no matter where people live in this vast country.

The lack of ready access to care is a common complaint of rural residents. As can be expected, the smaller and more remote the community, the more severe the problem of access.

The committee was told that ensuring coordinated access to a broad continuum of service and supports is critical to the development of an effective strategy to address mental illness and addiction, not only in hospitals and other institutions, but also in the community. Community services should include supportive housing, income support, education, transportation and peer support. Those suffering from mental illness and addiction deserve nothing less than to overcome their isolation, gain their economic self-sufficiency, and achieve hope and respect.

Honourable senators, telehealth is becoming an important tool to enhance health care delivery in rural and remote regions of Canada. As you know, telehealth involves the use of communication and information technologies to overcome geographic distances in the delivery and provision of health care. It is a cost effective way to bring diagnostic treatment and rehabilitation services to rural communities. Health information technologies can also offer more professional development opportunities for health care providers.

Telehealth helps to bridge the distance by connecting physicians and mental health consumers and their families with current information about symptoms, effective treatments, services and support. Pioneered by the Honourable Dr. Max House, Memorial University of Newfoundland has been engaged in telemedicine activities since 1975.

In 2001, the Faculty of Medicine at Memorial University developed a very successful state-of-the-art online learning service, a website that offers 23 courses of continuing medical education to physicians across the country and contains links to clinical practices, medical libraries and rural medicine sites. The site is especially beneficial to rural physicians who often have trouble accessing specialists and cannot leave their communities to further their education. The service now partners with 10 universities across Canada and has proven itself to be a valuable one-stop resource. The website is continuously growing and provides a much-needed link. It reduces isolation and is extremely cost-saving. Surveys have shown that 90 per cent of participants find the training to be helpful and motivating.

The committee also heard about many other valuable provincial websites devoted to mental illness and addiction that are making a significant difference to individuals living with mental illness and addiction, and to their families.

Telehealth technologies are developing at an astounding rate, but policies that support telehealth services are lagging behind. We must develop policies to provide adequate support; otherwise, telehealth will progress largely in a policy vacuum.

In addition, this technology is not universally or readily acceptable to all Canadians, and I believe this is an area in which federal leadership is required.

For years, rural and remote communities have attempted to recruit and retrain more health care providers. Strategies have included enhancing continuous education opportunities, using telehealth consultations to reduce isolation, offering replacements for vacation, and encouraging providers to get involved in community life.

However, because these strategies have not been pursued in a systematic, coordinated manner, they have had limited effect. There is still a serious shortage of health human resources in rural and remote communities.

Some rural areas are trying to enhance the quality and quantity of service provided by better utilizing available resources. For example, nurse practitioners may take over some of the responsibilities of physicians so physicians can concentrate on more advanced clinical tasks.

Given the heavy workload of informal caregivers such as family members, friends and volunteers — especially in rural areas — supporting them with training and sharing information is another helpful strategy.

As noted by Health Canada, health care providers in rural and remote communities need to be highly skilled generalists as opposed to specialists. Some believe that not all team members need to be mental health experts, as long as one of them has the requisite knowledge, serves as the consultant, and provides the necessary support and training to the rest of the team.

As part of the Health Transition Fund project funded by the federal government, nurses from a home care program in Taber, Alberta participated in training sessions delivered by a mental health therapist. The therapist provided them consultation, guidance, direction and in-service training. The same project used collaboration between practitioners with a home care background and others with mental health expertise who shared knowledge and supported each other.

Honourable senators, in conclusion, the many challenges faced by mental health and addiction consumers in urban areas of Canada are compounded in rural and remote communities. They often contend with problems relating to access to service in terms of physical distance from mental health care providers and human resource shortages.

Communities are attempting to address these challenges in a variety of ways. Examples include implementing strategies to recruit and retain mental health care professionals, enhancing the knowledge of existing professionals through distance education and knowledge sharing, and delivering telehealth services to health care providers as well as patients and informal caregivers, to name a few.

Rural and remote communities must be supported financially and educationally in these efforts to bridge the gap between mental health and addiction consumers and services.

The Hon. the Speaker: If no other honourable senator wishes to speak, this order is considered debated.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDY ON BILL S-6 IN PREVIOUS SESSION
TO STUDY ON BILL S-11

Hon. Lise Bacon, pursuant to notice of November 30, 2004, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-6, An Act to amend the Criminal Code (lottery schemes), in the Third Session of the Thirty-seventh Parliament be referred to the Committee for its study of Bill S-11, An Act to amend the Criminal Code (lottery schemes).

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY BILINGUAL
STATUS OF THE CITY OF OTTAWA

Hon. Serge Joyal, pursuant to notice of December 1, 2004, moved:

That the petitions tabled during the Third Session of the Thirty-seventh Parliament, calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

That the Committee consider the merits of amending section 16 of the *Constitution Act, 1867*; and

That the Committee report to the Senate no later than April 30, 2005.

He said: honourable senators, it is my pleasure to move this motion this afternoon. This is not a new motion. It was moved previously on April 1, 2004, by former Senator Jean-Robert Gauthier. Our chamber adopted that motion on April 29. However, it died on the Order Paper at the dissolution of Parliament when a general election was called.

The purpose of this motion today is to resurrect the consent that this chamber has already given to the motion of Senator Gauthier. Many petitions were tabled by many honourable senators in the previous Parliament — to name a few: Senator Munson, Senator Chaput, Senator Hubley, Senator Comeau, Senator Beaudoin, Senator Fraser, Senator Poulin, Senator Léger. I could name almost all honourable senators in this chamber who moved some of the 30,000 signatures of Canadians requesting that the Senate consider the issue of declaring Ottawa a bilingual city. This motion expresses the consent given by this chamber earlier this year for the Standing Senate Committee on Legal and Constitutional Affairs, chaired by Senator Bacon, to proceed with the study of this question.

Honourable senators, there is a stack of information, references, documents and expert witnesses that the standing committee could listen to and call upon, the first and foremost being former Senator Beaudoin, who spoke on many occasions and at length on the issue of Ottawa being declared a bilingual city. I am sure that honourable senators opposite would be delighted to hear Senator Beaudoin's interpretation of section 16 of the Constitution Act, 1867. Let me read it for everyone's benefit:

Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

It is simple. It is a provision that makes Ottawa the capital of Canada. Under that heading, if there were ever an amendment to the Constitution, that amendment would be attached.

Senator Prud'homme has proposed amendments previously, which I am sure the committee will want to consider as well. In the debate that took place earlier this spring, Senator Fraser supported — I would say vehemently or wholeheartedly — the proposal put forward by Senator Gauthier. I am sure many honourable senators will wish to attend and take part in such a study and debate.

The petitions are being sent to the Standing Senate Committee on Legal and Constitutional Affairs and not to the Standing Senate Committee on Official Languages because they deal essentially with a legal matter.

Should a proposal to amend this aspect of the Canadian Constitution be open to the federal government only or should it be open to the federal government with provincial concurrence? The present Government of Ontario has previously expressed that it would be interested in enshrining the bilingual nature of the national capital.

Those are issues that will be reviewed by the committee. I seek the support of this honourable chamber today to reinstate the consent that was given earlier this year to refer this motion to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 7, 2004, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, December 7, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, December 2, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02		
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0			
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16							
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18							
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wesley—Woolwich	04/12/02							
C-304	An act to change the name of the electoral district of Battle River	04/12/02							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04							
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30							
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

CONTENTS

Thursday, December 2, 2004

	PAGE		PAGE
SENATORS' STATEMENTS		Canada-United States Relations	
Sir Samuel Cunard		Memorial to Victims of World Trade Centre— Donation by Government.	396
Hon. Wilfred P. Moore.	391	Hon. Noël A. Kinsella	396
The Late Robert McCleave		Hon. Jack Austin	396
Hon. John Buchanan	391	Status of Women	
Yuquot		Immigration Policy on Allowing Entry to Exotic Dancers.	
Hon. Pat Carney	391	Hon. Noël A. Kinsella	396
International Day of Disabled Persons		Hon. Jack Austin	396
Hon. Wilbert J. Keon	392		
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Criminal Code (Bill S-21)		Business of the Senate	
Bill to Amend—First Reading.		Hon. Bill Rompkey	396
Hon. Céline Hervieux-Payette	392	Statistics Act (Bill S-18)	
Bill to Change Name of Electoral District Kitchener— Wilmot—Wellesley—Woolwich (Bill C-302)		Bill to Amend—Second Reading—Debate Continued.	
First Reading.	393	Hon. Terry Stratton	397
Bill to Change Name of Electoral District Battle River (Bill C-304)		Hon. Noël A. Kinsella	398
First Reading.	393	Federal Law-Civil Law Harmonization Bill, No. 2 (Bill S-10)	
The Senate		Third Reading.	
Notice of Motion to Urge Government to Urge China to Resolve the Tibet Issue.		Hon. Pierre Claude Nolin	398
Hon. Consiglio Di Nino	393	Department of Canadian Heritage Act (Bill C-7)	
		Parks Canada Agency Act	
		Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Aurélien Gill	399
		Hon. Serge Joyal	402
		Hon. Noël A. Kinsella	402
		Marriage (Prohibited Degrees) Act	
		Interpretation Act (Bill S-4)	
		Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Anne C. Cools.	403
		Supreme Court Act (Bill S-7)	
		Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Anne C. Cools.	403
		Judges Act (Bill S-8)	
		Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Anne C. Cools.	403
		Study on State of Health Care System	
		Third Interim Report of Social Affairs, Science and Technology Committee.	
		Hon. Joan Cook	403
		Legal and Constitutional Affairs	
		Committee Authorized to Refer Documents from Study on Bill S-6 in Previous Session to Study on Bill S-11.	
		Hon. Lise Bacon	405
		Committee Authorized to Study Bilingual Status of the City of Ottawa.	
		Hon. Serge Joyal	405
		Adjournment	
		Hon. Bill Rompkey	406
		Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 23

OFFICIAL REPORT
(HANSARD)

Tuesday, December 7, 2004

THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, December 7, 2004

The Senate met at 2 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

FIFTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Lucie Pépin: Honourable senators, yesterday, December 6, was the fifteenth anniversary of the massacre of 14 women at l'École Polytechnique de Montréal. From coast to coast, ceremonies were organized to mark this National Day of Remembrance and Action on Violence Against Women. We remembered with great sadness the loss of these students, who had their entire futures ahead of them. Many of us will always remember where we were when we heard this news.

Today, our thoughts also go out to all the women and girls who have died as a result of brutal acts of violence targeting them in particular.

Over the years, December 6 has become more than a simple day of remembrance. This day is an occasion for us to affirm our solidarity to women and girls who still live under the threat of violence and to speak out vigorously against this ever-present reality in our society.

Amnesty International recently declared that Aboriginal women are victims of violence twice as often as other Canadian women. Amnesty International cited cases of Aboriginal women and girls who have disappeared or been killed, and denounced the indifference of public authorities toward the mistreatment of Aboriginal women.

In a fair and egalitarian society such as ours, this is a situation that cannot be tolerated. All Canadians have the right to live in safety, in security and with dignity. The crime at l'École Polytechnique prompted the passage of stricter firearms legislation. Today, the homicide rate from firearms has gone down. Other than to resolve a few problems with the administration and enforcement of the act, no changes to this legislation must be allowed. We must not yield to pressure. On the contrary, we must insist on the legislation being maintained, as well as the gun registry, which is perceived by many victims' families as a monument to the young women who were killed.

Canada is one of the most advanced countries in the world for gender equality and women's rights. Our society is more sensitive to violence against women today than it was 15 years ago. But there are still unacceptable behaviours and attitudes that promote savagery against women.

In memory of all women who are victims of violence in Canada, I encourage you to continue taking an interest in the negative impact of violence against women on our lives and our communities. This is a social scourge that has to be eliminated at all costs. We will always remember the 14 victims of l'École Polytechnique.

[English]

Hon. Marjory LeBreton: Honourable senators, yesterday we observed the National Day of Remembrance and Action on Violence Against Women. Each year on December 6, we remember the 14 young engineering students who were killed in 1989 at l'École Polytechnique in Montreal. These women died for no other reason than that they were women. Fifteen years later, it is still hard to believe that such an event could have occurred in this country, yet the basic hatred and brutality behind it is still evident in our society, albeit, as Senator Pépin said, in less public but no less painful occurrences.

The day of remembrance, which was established by the Mulroney government in 1991, gives us the opportunity to pay tribute to the young women who were lost 15 years ago and also to consider the violence presently faced by too many women and girls across our country. Despite gains that have been made toward true gender equality in our country, much work is still necessary. One in four Canadian women experiences violence at the hands of her partner. As a result, many children witness the hurt and humiliation of their mothers. In turn, many of them will go on to perpetrate the cycle of violence or become victims of it themselves.

While this issue has received much needed attention over the last 15 years, many women still suffer in silence. They see no way to escape the abuse directed towards them, be it physical, sexual or psychological.

As a country, we must clearly state that all forms of violence are not permissible, and we must do all we can to educate our sons and daughters to that fact. Although Canadian women have many advantages over their counterparts in other countries in this world, when it comes to this issue, Canada is not exempt.

I know all honourable senators will agree that we must dedicate ourselves to the eradication of gender violence and the subordination of women and girls so that they may live without fear and lead productive, happy lives. In this way, we will truly honour the memory of the 14 young women who were never given the chance to live full and meaningful lives.

• (1410)

Hon. Joyce Fairbairn: Honourable senators, for over 15 years in this chamber, we have taken the time to honour the memory of 14 young women who were going about a normal day at l'École Polytechnique in Montreal when they were gunned down by a young man full of hate at their very presence in that institution.

What has since become known as the day of the Montreal Massacre has become the day in the year when women and men, young and old, in every corner of this country, gather in large vigils, in small groups or in private solitude, lighting candles, offering roses or quietly thinking, not only to remember but also to highlight the continuing horror of violence and abuse against women in Canada, on the streets, in their homes and inside places of learning.

The statistics ebb and flow but remain constantly high as each year goes by. Over 50 per cent of Canadian women have been victims of at least one act of physical or sexual violence since the age of 16. The latest statistics on spousal homicide show that four out of five victims were female and, of those, 29 per cent were killed by stabbing, 26 per cent by shooting, 19 per cent by beating and 17 per cent by strangulation.

We would like to think of Canada as a safe place in its homes and on its streets. Reality tells us otherwise. It is why we, as a nation, have established gun control. That effort gained impetus in the wake of those killings in Montreal, thanks to family members and dedicated women like Wendy Cukier and Heidi Rathgen.

However, those young women who were gunned down in the classrooms, the corridors and the cafeteria of their college were not murdered solely because of the killer's hatred of women. He was also obsessed by the place they were occupying in modern society. After separating the young men from the classroom with a cry of "You are feminists," he began shooting the victims and then himself.

If Canadians have truly followed lessons learned from that tragic day, I hope it is to respect the role of women in every part of our society and to encourage those young women who have followed in the footsteps of the l'École Polytechnique victims to seek the same goals as equal partners with men in this competitive society of the 21st century.

At the very least, we, as parliamentarians, should espouse any cause that will give women a fair chance to compete and succeed in a safe and respectful environment. In so doing, honourable senators, we honour the friends and the families of those 14 young students who never had the chance to choose their course and to learn and live their dreams. We share their sorrow, and we seek a better future.

PRINCE EDWARD ISLAND

NEW MARITIME BEEF PROCESSING FACILITY

Hon. Catherine S. Callbeck: Honourable senators, I would extend my congratulations and sincere best wishes to the beef producers in the Maritime provinces as they prepare to begin operation of a new beef processing facility in Prince Edward Island.

This new plant, Atlantic Beef Products, is the result of a unique partnership between beef producers in the region, a retail partner, and the federal and provincial governments. As a result of this exciting new initiative, Maritime beef producers are in a position to take more control over the future of their industry, while serving the needs of the regional market.

Together with Co-op Atlantic and the Prince Edward Island government, beef producers invested more than \$10 million in this state-of-the-art facility. The federal government also contributed one-third of the cost of the new \$4.5-million waste treatment facility.

Producers have recognized that owning and operating their own processing facility is vital to the future of the beef industry in the Maritimes.

When fully operational, the plant will process some 500 head of cattle per week and create 70 new jobs. The plant guarantees a market for producers, and demand for its product is growing across the region and beyond.

At the present time, the federal government is giving consideration to providing financial support for a new tracing system that will further enhance consumer confidence in the safety and quality of Atlantic Beef Product's product.

Honourable senators, the BSE crisis has drawn attention to the fact that Canada does not have sufficient processing capacity and that our country needs more control over the future of its beef industry. The establishment of a new beef plant in Atlantic Canada demonstrates what can be done to create new opportunities for value-added initiatives and to give producers more control over the future of their industry.

I ask you to join with me in extending our best wishes for their success.

ENVIRONMENT

BOREAL FOREST ON MANITOBA-ONTARIO BORDER AS PROPOSED WORLD HERITAGE SITE

Hon. Mira Spivak: Honourable senators, several months ago the Minister of the Environment released Canada's updated list of proposed world heritage sites under the UN's 1972 UNESCO Convention. Dozens of sites in Canada were considered, but only 11 selected, among them 4.3 million hectares of boreal forest that spans the Manitoba-Ontario border and includes several provincial parks and First Nations traditional resource areas.

This week, the Government of Manitoba made mention of the proposed site in its Speech from the Throne. First Nations in the region also see the UNESCO designation as a means of preserving their vision of the forest and guaranteeing their traditional use of the land.

Some honourable senators will recall that five years ago the Energy Committee released a report under the chairmanship of former Senator Nick Taylor that was called "Competing Realities: The Boreal Forest at Risk." We recommended that 20 per cent of this forest under siege be designated as protected areas free from industrial development. The report, the recommendations of which have not yet been implemented, has had considerable influence in the debate on the status and the future of the boreal forest.

While I am certain that other potential world heritage sites on Canada's list are worthwhile, in light of our published views on what needs to be done to preserve some portion of this valuable ecosystem, I hope that this site in the heart of the boreal forest will receive favourable consideration, and I trust that other senators will endorse that position.

[Translation]

LA FRANCOPHONIE

SUMMIT IN BURKINA FASO

The Hon. Maria Chaput: Honourable senators, I had the privilege of attending the Tenth Summit of La Francophonie in Ouagadougou, the capital of Burkina Faso, during the week of November 22, 2004. It was my first summit and my first trip to Africa. While in Ouagadougou, I was also part of the Canadian delegation accompanying the Prime Minister to Sudan.

First of all, I was impressed by the warm reception we received from the residents of Ouagadougou and their great joy in welcoming Canadians; then I witnessed their extreme poverty.

Honorable senators, I saw the children of Ouagadougou and the children at the Mayo Camp in Sudan. I saw villages without a school, dispensary, water or hygiene. I saw palaces and the most extravagant residences. But I also saw the Francophonie determined to make a contribution, together with the entire international community, to resolve the serious problems plaguing the world.

It is a memorable experience to see the heads of state and government from countries having French in common renew their solidarity with Africa.

The Francophonie includes many of the poorest countries. The poorest must therefore rely on the more fortunate ones to help them honour their commitments taken under major international conventions.

The theme of the Summit, "Solidarity for Sustainable Development," advocated an approach that encourages both donor and recipient countries to assume responsibility.

Sustainable development is at the heart of initiatives such as universal education, drinking water and improved sanitation, primary health care, political and economic governance, fighting terrorism and poverty, and linguistic and cultural diversity. I was therefore very proud of Canada and its leadership role in this regard.

• (1420)

While opening a small school in Tanghin, Burkina Faso, the Prime Minister mentioned Canada's contribution of \$17.8 million towards development of education in the country. "When it comes to aid," he said, "it has to be sustainable. And I cannot think of anything more important than health and education because they are truly an investment in the country's future."

The heads of state and government at this tenth conference reiterated this commitment. They spoke of creating optimum

conditions for sustainable development by working aggressively to eliminate extreme poverty and illiteracy, and to guarantee universal education. Canada's message stresses that problems must be solved while profoundly changing the state of mind that has engendered them over many years.

Honourable senators, I am very proud of our country and the fundamental values it advocates.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Mike Delisle, Grand Chief of the Mohawks of Khanawake, and Mr. Andrew T. Delisle, Past Grand Chief and this year's recipient of the National Aboriginal Lifetime Achievement Award. They are guests of the Honourable Senator Gill.

On behalf of all honourable senators, I welcome you both to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

TREASURY BOARD

2004 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, a report from the President of the Treasury Board entitled *Canada's Performance, Annual Report to Parliament 2004*.

[English]

THE ESTIMATES, 2004-05

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Donald H. Oliver: Honourable senators, I have the honour to present the second report of the Standing Senate Committee on National Finance, which deals with the Supplementary Estimates (A), 2004-05.

(For text of report, see today's Journals of the Senate, Appendix p. 259.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on National Security and Defence, entitled *Canadian Security Guide Book, 2005 Edition: An Update of Security Problems in Search of Solutions*.

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATING TO AFRICA

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters; and

That the Committee submit its final report to the Senate no later than June 30, 2006.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks: Honourable senators, the Standing Senate Committee on Energy, the Environment and Natural Resources has embarked on a study having to do with water in Canada. It has heard from several witnesses so far, including the Minister of the Environment. This afternoon, at five o'clock, we have scheduled a meeting with the Minister of Natural Resources. Therefore, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit at 5 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Terry Stratton (Deputy Leader of the Opposition): I have a question, if I may, for the chair. Did he consult with the deputy chair and the whip on this side with respect to meeting at five o'clock today, there being only one exception for ministers?

Senator Banks: Honourable senators, I did not consult with the whip on the other side. I certainly consulted with the deputy chair, because the meeting and the fact that the minister was to be here were determined some weeks ago.

Senator Stratton: Is this the committee's normal sitting time?

Senator Banks: I cannot say that it is normal. "Normal" is five o'clock or when the Senate rises, so "normal" is an oxymoron in terms of the question.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO REDUCE CERTAIN REVENUES AND TARGET PORTION OF GOODS AND SERVICES TAX REVENUE FOR DEBT REDUCTION

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, pursuant to rule 58(1)(i), I give notice that, at the next sitting of the Senate, I shall move:

That the Senate urge the government to reduce personal income taxes to low and modest income earners;

That the Senate urge the government to stop overcharging Canadian employees and reduce Employment Insurance rates so that annual program revenues will no longer substantially exceed annual program expenditures;

That the Senate urge the government in each budget henceforth to target an amount for debt reduction of not less than two-sevenths of the net revenue expected to be raised by the federal goods and services tax; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

• (1430)

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, I have the honour to present 517 signatures from Canadians in the provinces of B.C., Alberta, Saskatchewan, Manitoba and Ontario who are researching their ancestry, as well as signatures from 89 people from eight states of the United States who are researching their Canadian roots. A total of 606 people are petitioning the following:

Your Petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the public, after a reasonable period of time, of Post-1901 Census reports starting with the 1906 Census.

Including the 20,987 signatures I presented to the Thirty-seventh Parliament, and over 6,000 I presented to the Thirty-sixth Parliament, I have now presented petitions with over 29,343 signatures all calling for immediate action on this very important matter of Canadian history.

QUESTION PERIOD

FINANCE

GUIDELINES ON BANK MERGERS

Hon. W. David Angus: Honourable senators, the government had promised a decision on the guidelines or ground rules for bank mergers by the end of June 2004. Subsequently, the minister indicated he had been unable, for some reason or another, to make that deadline. Recently, his statements on the subject have been rather ambiguous.

Bank mergers have been on hold since 1998, when the Prime Minister, then as finance minister, turned down two proposed mergers. It is now nearly mid-December 2004 and Parliament, I understand, is about to adjourn for approximately six weeks. Can the Leader of the Government in the Senate please advise us as to the reasons for the ongoing delay in arriving at a decision on this matter and when we might expect an announcement on the guidelines?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries. This is a question that Senator Oliver asked me before and I cannot at this time add to the answer that I gave to Senator Oliver at that time.

Senator Angus: Honourable senators, I appreciate that the Honourable Leader of the Government is having trouble getting that answer, but the government may be suffering from cold feet as a result of their recent sampling of public opinion. It seems that this past summer it engaged pollster Ispos-Reid to conduct a survey for the Department of Finance called "Canadian Views on Bank Mergers." Incidentally, the text of the survey contains the sentence: "This fall the government plans to issue guidelines to deal with bank mergers."

The results showed a marked decline in Canadians' appetite for bank mergers between 1998 and the present time. Among the questions asked in the survey was the following: "If the government took action to promote more competition in Canada's banking sector from both foreign and domestic banks, would you be any more or less supportive of bank mergers than you are now?"

Could the minister advise the Senate as to whether the government is contemplating measures to promote competition as a way of smoothing over public opinion prior to announcing a new framework for bank mergers?

Senator Austin: Honourable senators, again, I would have to make inquiries in order to provide an answer. However, the policy of the government at all times has been to promote competition in the financial industry sector.

I served on the Standing Senate Committee on Banking, Trade and Commerce with both Senator Angus and Senator Oliver and participated in the review of what became known as the MacKay report. It was a very fulsome review. I also participated in the report that was written by the committee when it was chaired by Senator Kirby, and I endorsed the committee report at that time. However, I will pursue the issues. I am not familiar with the poll to which Senator Angus refers.

I have understood from some members in the financial sector that there is no imminent application for bank mergers, but, my information may be past its date.

Senator Angus: Honourable senators, I want to thank the leader for his comments. I would urge him to obtain this information.

The survey that I referred to is dated August 2004. It was submitted to Finance Canada by Ispos-Reid and is entitled, as I said, "Canadian Views on Bank Mergers."

I recognize the leader may not have detailed specific information at his fingertips. In bringing this other information to the Senate — that is, the information Senator Oliver asked for three weeks ago and my questions today — I would appreciate it if the leader could add the following: First, how much money did the Department of Finance pay to Ispos-Reid for this poll? Second, who in Finance Canada requisitioned the poll? Was it the minister or the communications department? Finally, was the work for this survey and contract put to competitive tender? If not, why not?

Senator Austin: Honourable senators, I will take notice of those questions and seek the answers.

CANADIAN BROADCASTING CORPORATION

UKRAINE—RADIO CANADA INTERNATIONAL CUTBACKS

Hon. A. Raynell Andreychuk: Honourable senators, the Ukraine is now in a crisis awaiting further vote and a recount of the second presidential vote. One of the clear findings by the international community was that the election was neither to an international standard nor to any known democratic principles. One of the OSCE documents indicated that one of the foundations for a free and fair election is education of the populous, that they must know what the alternatives are and that only an informed choice is a democratic choice.

On that basis, why does the Canadian government continue to insist on cutting back Radio Canada International and its Ukrainian programming? We have known for a long time that the Ukraine press has been restricted and that the freedom of expression for the press has been dramatically curtailed. Radio

Canada International and its Ukrainian program was one way of getting information to both Ukrainians in Ukraine and to Ukrainians living in Canada. It has been one of the most valuable services and is supported widely throughout the community.

Let me quote Dr. Zenon Kohut, Director of the Canadian Institute of Ukrainian Studies, University of Alberta, in his letter to Jean Larin, Director of Radio Canada International, who said: "I would like to reiterate and summarize what I wrote in my last letter, and which I strongly believe will hold through for the near future, that RCI's Ukrainian language broadcasts offer an inexpensive and effective way of making more widely known our views and policies on multiculturalism and diversity, respect for the rule of law, the importance of citizen participation in decision making and other Canadian values and beliefs in Ukraine, an understanding of which will foster the building of civil society and a democratic state in Ukraine."

• (1440)

It would be inexpensive to reinstitute Radio Canada International, and it would contribute to the future stability of Ukraine if this programming service were to continue. Having it extended only to the end of January, as I understand is the case, gives the wrong signal to the people of Ukraine and to the people of Canada. Will the government today indicate that this service will not be cut back?

Hon. Jack Austin (Leader of the Government): Honourable senators, as I have no information with respect to the facts of the question that Senator Andreychuk has put, I can only make inquiries and hope to have a quick response to the question.

With respect to Ukraine, I know that honourable senators are aware of how active the Government of Canada has been in assisting the democratic process in that country, and, as has been announced, the government is prepared to support the OSCE with as many as 500 observers, should the OSCE ask us to do so.

Senator Andreychuk: Honourable senators, regarding Radio Canada International, Minister Pettigrew attended a meeting with the Ukrainian Canadian Congress where he indicated that he would be looking into this matter. In light of the events in Ukraine and the turn of this election, that should come as no surprise to anyone. The Prime Minister and the Minister of Foreign Affairs are aware of that.

I am seeking from the Leader of the Government in the Senate an undertaking that he will relay my concerns to his colleagues and indicate how critical it is that the Canadian government reinstitute, on a long-term basis, Radio Canada International and its Ukrainian programming.

Senator Austin: Honourable senators, as I said in my answer to Senator Andreychuk's first question, I will do so with as much dispatch as I can.

[Senator Andreychuk]

FOREIGN AFFAIRS

UKRAINE—SELECTION PROCESS OF ELECTION MONITORS

Hon. A. Raynell Andreychuk: To follow up on the comment of the Leader of the Government about what Canada is doing, certainly, Canada has started to do some things that, perhaps, we should have done earlier. It is still not all that we can do but, in light of this support of the OSCE, we understand that any Canadian would be open to apply to become an observer by meeting the criteria set by the organization that the government has employed to do the screening.

What is the application date deadline? Who will make the final decisions as to who the monitors will be?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to make inquiries.

ENVIRONMENT

KYOTO ACCORD COMMITMENTS

Hon. Leonard J. Gustafson: Honourable senators, Natural Resources Canada has said that Canada will not meet its Kyoto commitments. My question relates to a recent revelation of the Deputy Minister of Natural Resources Canada that, today, Canada would be likely to come up well short of its targets under the Kyoto limits.

Mr. George Anderson, a deputy minister of Natural Resources Canada stated at a recent conference in Australia that it would be a "stretch" for Canada to even get two-thirds of the way towards reaching the targets. The source is the *Calgary Sun*, December 3, 2004.

Considering this government's posturing on the greenhouse gas file for political gain, as evidenced by both negative advertisements that the Liberal Party ran in the recent election campaign and repeated in the Speech from the Throne commitment, could the leader please explain why the government will not meet its Kyoto targets?

Hon. Jack Austin (Leader of the Government): Honourable senators, while the assumption is that we will not, there is a debate about whether we will be able to meet those targets. The government's policy at the moment is to meet those targets.

Senator Gustafson: Honourable senators, it seems clear to those who are in the know that the government will not meet its targets. One individual who is frustrated by the Liberal record on this issue of greenhouse gases and the environment is the former federal environment minister, David Anderson. In a November 26 front-page article of the *Ottawa Citizen*, Mr. Anderson criticizes his own government's record on greenhouse gases and the environment. Mr. Anderson's statement was reported in the *Canadian Press* story of October 20 when he charged that Canada's \$3.6-billion climate change program is being thwarted by cabinet ministers.

What response does the Leader of the Government in the Senate have regarding David Anderson's allegations about the reasons behind this government's questionable environment record?

Senator Austin: Honourable senators, the Honourable David Anderson is, as we know, a former Minister of the Environment, and it was in his term that Canada entered into the undertakings that are known as the Kyoto Protocol.

There is quite a debate on how to achieve those objectives, and the government is involved in a planning process to achieve the Kyoto objectives.

I cannot further advise the honourable senator at this stage when the government will be able to introduce its full plan, because so many elements of Canadian society are endeavouring to achieve a consensus with respect to both the objectives and the methodology to achieve those objectives.

CITIZENSHIP AND IMMIGRATION

EXTENSION OF VISA OF BONDARENKO FAMILY

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate.

On July 28 of this year, the Bondarenko family from Russia arrived in Shelburne, Nova Scotia, from Bermuda on board their 36-foot sailboat. They have been in Halifax since shortly after that time. Mr. Bondarenko has a Ph.D. in engineering, and his wife taught English in Russia. They have two young sons, Ivan, 11, and Vasily, 6. All that they have is their 36-foot sailboat. They have no income. They wish to stay in Canada.

On November 4, Mr. Bondarenko contacted Citizenship and Immigration Canada officials about staying. He was told he would have to leave the country; his visa was closed and his passport was taken with the advice that if he did not leave by December 14, he and his family would be deported to Russia.

On Saturday last, Mr. Bondarenko and his family boarded their 36-foot sailboat headed for Bermuda, in the North Atlantic. Their engine failed, the ship was taking on water, and it developed two rips in the mainsail. They headed back to Halifax.

Nova Scotia has a strong history of taking in seafarers and looking after them. Canada is a civil and compassionate country, and I think that it would be most appropriate for the Bondarenko family to be given permission to remain in Nova Scotia until the spring of next year. I can tell you the North Atlantic is no place to be in December on a 36-foot boat.

• (1450)

I spoke this morning with Mr. Peter Kinley, Chairman of Lunenburg Industrial Foundry & Engineering Ltd., in Lunenburg. He has offered to berth the Bondarenko vessel at his company's wharf until the spring of next year. I am confident that the people of Lunenburg will fix this ship, repair the engine and tend the sails so that she will be ship shape in the spring.

It would be most appropriate if we could get permission for this family to remain in Canada. I am not talking about special consideration, but if we can give them the opportunity to remain in Canada until the long weekend in May, then it might be appropriate for them to sail the North Atlantic in a 36-foot sail boat.

Honourable senators, they are prepared to play by the rules, but they are in a tough spot here. I would ask the leader to use his good offices to bring this matter to the attention of the Minister of Immigration with a view to permitting the Bondarenko family to stay in Canada until May 23, 2005.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will take Senator Moore's representation to the Minister of Citizenship and Immigration and ask her to respond to the circumstances as they appeared in the press and as stated by Senator Moore. I do not know what action is being contemplated, but it would appear on the face of it that entry as permanent residents is not possible due to the existing legal regime.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE INDUSTRY

Hon. David Tkachuk: Honourable senators, my question relates to the economic impact of the BSE crisis on Canada's producers and Canada's economy. Some calculations have estimated that the border closings have cost cattle producers as much as \$2 billion, according to the BMO chief executive in a CP wire story dated October 21, 2004. Other estimates have the combined economic loss for the Canadian beef industry and Canada's rural communities at more than \$6 billion, per *The Toronto Star*, September 11, 2004. Last week, Rick Egerton, Deputy Chief Economist of the Bank of Montreal, calculated that cattle producers lost \$5 billion since the May 2003 discovery of the BSE case in northern Alberta. That figure was reported on the CBC business news on November 29, 2004.

My question for the Leader of the Government in the Senate is: What are the official government figures reflecting the cost of the BSE crises to Canadian cattle producers?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries.

Senator Tkachuk: Has the government done a cost analysis that combines the economic impact of the BSE crisis on the entire beef industry and rural Canada in general? If so, will the leader please seek to make these figures available to us as soon as possible?

Senator Austin: Honourable senators, I will seek the appropriate answer to that question.

CITIZENSHIP AND IMMIGRATION

MINISTER'S ELECTION CAMPAIGN— REQUEST TO STEP DOWN

Hon. Marjory LeBreton: Honourable senators, a story in today's *National Post* reports that the Minister of Citizenship and Immigration received a \$5,000 donation to her re-election

campaign by a recent immigrant, a businessman from Pakistan. This donation, the largest she received during the campaign, was made indirectly by a member of the minister's riding association executive. This sort of action is illegal under the Canada Elections Act.

This is just the latest in a series of scandals involving the minister and her re-election campaign that have called into question her credibility and damaged the department's reputation. In the name of ministerial responsibility and accountability, could the Leader of the Government in the Senate urge his colleague, the Minister of Citizenship and Immigration, to step aside in order to restore Canada's confidence in Canada's immigration process?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no knowledge of the facts alleged by Senator LeBreton. Accordingly, I cannot provide a response at this time.

Senator LeBreton: Honourable senators, it became known a few weeks ago that the minister's chief of staff, Ihor Wons, who has taken a leave of absence, met with an owner of a strip club in his establishment to discuss work visas for exotic dancers. The minister told *The Globe and Mail* that she would have preferred, for many reasons, that he had not had that meeting.

That statement seemed to imply there was only one such meeting. However, in today's *Toronto Sun*, another club owner has stated that he has also met with the member of the minister's office. How many other clubs did the minister's senior aid visit on her behalf?

Senator Austin: Honourable senators, my succinct answer is I cannot respond to that question.

HEALTH

DRUG SAFETY STANDARDS—CROSS-BORDER SALES

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate about the cross-border sales of drugs. During an interview with CNN on Sunday, the Prime Minister said that Canada's drug safety standards were discussed with U.S. administration officials last week and that the American officials accepted that our safety standards are at the highest level. The Prime Minister also rightfully defended Canada's drug standards against the U.S. Food and Drug Administration's argument that Americans should not buy our drugs because their safety and effectiveness cannot be guaranteed.

Could the Leader of the Government in the Senate tell us in what context this issue was discussed with the Americans during last week's visit? Did the federal government tell the U.S. officials what position it will take regarding the cross-border sale of prescription drugs?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information that flows directly from the conversation that is referred to by Senator Keon.

Senator Keon: Honourable senators, in a speech at Harvard last month, the Minister of Health spoke out against the cross-border sale of prescription drugs to Americans saying that Canada

cannot be the drugstore of the United States. However, a few days later, the Prime Minister seemed to correct the minister's statement by saying that the federal government was not attempting to drive Internet pharmacies out of business.

Could the Leader of the Government tell us whether the government intends to adopt a policy in this area? Are discussions under way at this time?

Senator Austin: Honourable senators, it certainly is true that the entire issue of cross-border pharmaceutical sales is being monitored by the Government of Canada, in part to ensure that there is no shortage of supply to meet Canadian requirements. It is also important to the Government of Canada that allegations such as Internet pharmacies selling unsafe drugs are put to rest. All drugs sold in Canada must meet Canadian food and drug standards and the other requirements of Health Canada with respect to their efficacy.

FOREIGN AFFAIRS

INTERNATIONAL ATOMIC ENERGY AGENCY— CUTBACK OF FUNDS FOR VERIFICATION PURPOSES

Hon. J. Michael Forrestall: Honourable senators, the Iranian government appears to be covering up some information about its supposedly peaceful nuclear program at a variety of military sites. The International Atomic Energy Agency has been accused of covering up evidence that particles of enriched uranium were found near an Egyptian nuclear facility.

Mr. Martin's first budget cuts, as former finance minister, slashed Canadian money to inspections for treaty verification. Given our leadership role in the IAEA board of governors, what exactly, if anything, is this government doing today to prevent further proliferation of weapons of mass destruction?

Hon. Jack Austin (Leader of the Government): Honourable senators, Canada is a member of the International Atomic Energy Agency, which is based in Vienna. We support that agency, and we support its programs of verification and detection.

Senator Forrestall: Honourable senators, we do not seem to have much money to back up what we say we will do.

I have a further question. The International Atomic Energy Agency announced that it believes that North Korea has processed enough spent fuel to manufacture between four and six nuclear bombs. What is the position of the Government of Canada on this issue, given that we have held the chairmanship of the board of governors of the IAEA?

Senator Austin: Honourable senators, I, too, saw that report. I can say that, if the report can be verified, which is another question entirely, it raises a matter of extreme concern as to the possible safety of other countries. As the honourable senator knows, the United States has been eager to take the matter of the North Korean nuclear program to the Security Council, as it has

in respect to Iran. These are sensitive international matters. Beyond what I have just said, I cannot provide any further information.

• (1500)

Senator Forrestall: Could the minister undertake to find out what impact the slashing of funds for verification purposes has had, particularly with respect to these two items that are very current and, as the leader admits, very disturbing?

Senator Austin: Honourable senators, I will inquire into the financial support of the International Atomic Energy Agency by Canada and provide figures with respect to that support. I am under the impression that the agency has been adequately funded by the international community.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table four responses to questions raised in the Senate: a response to a question raised in the Senate on November 25, 2004, by Senator LeBreton, regarding allegations of political interference by the Minister of Citizenship and Immigration — Investigation by the Ethics Commissioner; a response to a question raised in the Senate on November 25, 2004, by Senator Tkachuk, regarding the refugee claim by Mr. Ernst Zundel and its cost to the government; a response to a question raised in the Senate on November 23, 2004, by Senator LeBreton, regarding the November 2004 Auditor General's Report; and a response to a question raised in the Senate on November 3, 2004, by Senator Tkachuk, concerning meetings between the Prime Minister and Ambassador Kergin.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER

(Response to question raised by Hon. Marjory LeBreton on November 25, 2004)

The Minister of Citizenship and Immigration takes the responsibilities of her job very seriously. She prides herself on the qualities of honesty and integrity. At no point has she sacrificed these principles. Unfortunately for the Minister, she is restricted from discussing the particulars of the case due to the Privacy Act.

She thought it was prudent to seek the Ethic Commissioner's advice in order to dispel any perceived wrongdoing. By so doing, she realised that it could have been interpreted many different ways. Therefore, she in fact called the Ethic Commissioner on Thursday, November 4, 2004 on how to proceed with obtaining his advice.

He gladly agreed to assess whether there had been any breach of the ethical code that is reserved for office holders and Ministers of the Crown. He asked her to prepare a file and submit it to him at her convenience. She submitted the file to the Ethic Commissioner's Office on Monday, November 8, 2004.

While she waits for his advice, her office has complied with any additional requests that the Commissioner's Office has made. The Minister waits for his independent report.

REFUGEE CLAIM BY MR. ERNST ZUNDEL— COST TO GOVERNMENT

(Response to question raised by Hon. David Tkachuk on November 25, 2004)

As of November 30, 2004, Mr. Ernst Zundel has been detained at the Metro Toronto West Detention Centre for a period of 650 days at a cost of \$113,750.

HEALTH

AUDITOR GENERAL'S REPORT—FEDERAL DRUG BENEFIT PROGRAMS—UNSAFE USAGE OF PRESCRIPTION DRUGS

(Response to question raised by Hon. Marjory LeBreton on November 23, 2004)

The federal government agrees with the Auditor General's recommendations and will act on all of them. We need to, and will, do more to build on best practices and increase collaboration.

The Auditor General's report comes at an opportune time, when all levels of government are working together to implement changes to improve the delivery of health services, ensure the sustainability of the health system and ease financial pressures — as witnessed by commitments of First Ministers to develop a national pharmaceutical strategy.

Federal departments will be actively involved in the development and implementation of a National Pharmaceutical Strategy (NPS) in collaboration with provincial and territorial partners. The Strategy will support and build on commitments made by First Ministers in September 2004 to address issues of common concern and is expected to contribute significantly over the long term to meeting the objectives identified by the AG.

The Strategy will provide the foundation for new approaches to improve access to safe, effective and cost-effective drugs, and will promote optimal prescribing and utilization of drug therapies, to the advantage of clients and taxpayers.

The NPS will build on a long history of federal departments working together to address issues of common concern and to create mutually beneficial opportunities (e.g., Federal P & T Committee est. 1999; Federal Healthcare Partnership est. 1994).

The overall thrust of the Auditor General's recommendations is to take advantage of efficiencies by creating or identifying those areas common to all programs. Departments intend to build on our past best practices, including those identified by the Auditor General, and create further collaboration and information sharing on these common issues. The focus will be on those actions where analysis shows that a combined approach will reduce individual effort and maximize use of available resources.

In fact, departments have already been taking steps to achieve savings and get the best value for public funds. In 2002/03, for example, the Federal Healthcare Partnership (FHP) saved \$2.2 million through a joint pharmacy agreement in Saskatchewan. The savings were achieved by negotiating a combination of dispensing fees, mark-up on drug products, flat fee for over-the-counter medications and alternative reimbursement for pharmacist professional services (trial prescriptions, refusal to dispense). While this agreement is currently under re-negotiation, it is expected that these savings will continue into the future. The FHP was established in 1994 to coordinate federal government purchasing of health care products and services.

The federal government is looking for efficiencies, and will balance cost-containment efforts with the need to maintain both clients' access to health services and support our relationships with healthcare providers on whom we rely to prescribe and dispense needed drug therapies.

Prescription Drugs

Health Canada's Non-Insured Health Benefits (NIHB) Program takes patient safety seriously.

Patient safety is a joint responsibility of physicians, pharmacists and the NIHB. Personal health information can only legally be shared with other health providers with the consent of the individual.

Health Canada has taken action by:

- Providing highly effective warning messages to pharmacists (around issues such as duplicate drug) at the time of dispensing. For example, last year, of 10 million transactions processed by the program 300,000 or 3 per cent came up with a warning message and two-thirds of those were not filled;
- Auditing pharmacies closely to ensure the remaining third were justified;
- Controlling to drugs of concern, either by requiring prior approval (Oxycontin — October 1999) or removing them from the list (Darvon — June 2004);
- Producing drug bulletins for doctors, pharmacists, community health workers on important issues such as diabetic treatment or methadone protocols;

- Establishing a **Drug Utilization Evaluation (DUE) Committee**, an independent group of experts in aboriginal health and drug utilization review to ensure clinically appropriate analysis and protocols.

Action has been limited by major concerns by First Nations and Inuit about their privacy. Efforts to gain consent were opposed by First Nations and Inuit.

However, the department is working with its health care and client organizations to put in place a comprehensive drug safety program with the following activities:

- putting in place rigorous quarterly analyses of clients who may be at risk (Jan 2005);
- following up immediately on clients seen to be at risk;
- working with national and regional client organizations to put in place prevention and promotion programs that provide the appropriate support at the community level to address these difficult issues, while respecting our clients' right to privacy.

The Government of Canada shares the Auditor General's concern about preventing the inappropriate use of drugs. Departments are working to identify additional tools to assist health care professionals to deter inappropriate drug use.

Health Canada is working to address inappropriate drug use, while ensuring that client privacy is protected when sharing information with health professionals.

The department has acted and continues to put in place tools to assist healthcare professionals in selecting the best drug therapies for clients. Specifically, Health Canada has, and will continue to review, drug utilization among the client population to provide general information on drug use trends to health professionals, to help them determine the best drug therapies for NIHB clients.

Specifically, Health Canada helps healthcare professionals by providing supplementary information through warning messages at the pharmacy point-of-sale system (e.g., duplicate drugs or therapies) and provider information bulletins. Health Canada will continue its efforts to inform and equip healthcare providers by warning them of potential issues and controlling access to drugs of concern.

Examples of initiatives Health Canada has undertaken, which respond to previous Auditor General reports:

- Warning messages have, and continue, to be provided to pharmacists for duplicate drugs/therapies/pharmacies through the Point-of-Service system (POS), which is used to process claims for Health Canada's NIHB program (1997).

- Action was taken to more closely monitor pharmacists' overrides of warning messages for drug use. Action was also undertaken to have a rigorous and ongoing analysis to assess the effectiveness of these messages (2001).
- Maximum allowable quantities were placed on certain drugs to limit the quantities dispensed by pharmacists (e.g., Tylenol 3 in July 2001).
- Certain drugs of concern were eliminated or had their access limited (e.g., Darvon in June 2004, Oxycontin in October 1999).

CANADA UNITED-STATES RELATIONS

RESOLUTION OF TRADE ISSUES— POLICY FOR CABINET MINISTERS IN REPRESENTING GOVERNMENT

(Response to question raised by Hon. David Tkachuk on November 3, 2004)

The Government is working closely with the U.S. Administration on the issues of softwood lumber and BSE and has vigorously defended Canadian interests. Prime Minister Martin has raised the issues of softwood lumber and BSE at the highest levels of government — with President Bush. In meetings and in his phone conversations with the President, Canadian interests are front and centre and the Prime Minister will continue to pursue a resolution to these problems with President Bush in future meetings.

We are pressing the U.S. government to remove restrictions affecting softwood lumber and BSE at all levels of our relationship, including Congress, State Governors and Legislators and through the Canadian Ambassador to the U.S.

The Government has pursued a whole-of-Canada approach to better management and coordination of relations with the United States: via the Prime Minister, the Ministers of Agriculture and International Trade, and Government of Canada officials to ensure that our interests are represented in the U.S. as efficiently and effectively as possible.

[English]

POINT OF ORDER

Hon. David Tkachuk: Honourable senators, I rise on a point of order. During Question Period last week, I quoted an exchange between the minister and the Leader of the Official Opposition to seek clarification. The day before I quoted these individuals, the Leader of the Government in the Senate had responded that senators should abstain from asking questions on "strippergate" involving Minister Sgro until we received the results of the investigation. After making myself aware of what was discussed in the other place, I found that ministers felt there was no such

obligation to wait for the investigation results. Therefore, I wondered why the Leader of the Government in the Senate, a cabinet colleague to these ministers, would have such a different view.

Senator Austin tried to raise a point of order during my questioning in Question Period, citing rule 46 from the *Rules of the Senate*. The Speaker, at that time, rightly suggested that my honourable friend delay raising the point of order until the end of Routine Proceedings, and the subject matter did not come up again.

In accordance with rule 46, this is my first opportunity to raise a point of order regarding the speech delivered at second reading on Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

This bill deals with some complex and important matters pertaining to the airline industry in Canada and globally. Because of this complexity, I listened very carefully to the speech of the Senate sponsor at second reading in this place and then took the adjournment in order to prepare my remarks. I have met with officials and ministerial staff, and I have read Hansard from the other place to familiarize myself with the minister's speeches on the bill, as well as the important points raised by the other members.

Your Honour, I invoke rule 46. I found in my research this past weekend, with rule 46 in mind, that the speech delivered by the sponsor in the Senate was virtually identical to that speech delivered by the minister in the other place.

Some Hon. Senators: Shame!

Senator Tkachuk: I draw the chamber's attention to this infraction. It requires a Speaker's ruling, although I will suggest, Your Honour, that the only ruling that can be made is to rule that the sponsor's second reading speech is out of order and that it be struck from the *Debates of the Senate*.

In the event someone tries to defend that the Senate second reading speeches were long quotations, citation 496 at page 152 of Beauchesne's 6th edition reminds us that:

A Member may read extracts from documents, books or other printed publications as part of a speech provided that in so doing no rule is infringed. A speech should not, however, consist only of a single long quotation, or a series of quotations joined together with a few original sentences.

To assist Your Honour in consideration of the ruling, I will table my copies of the two speeches, in which I have marked down the comparable paragraphs. I have noted the identical paragraphs, of which there are over 22, comprising approximately 80 per cent of the speech given in this chamber. I would be interested to know who wrote this, or if the senator wrote the speech himself.

Honourable senators, this is a serious matter and calls into question the good works accomplished in this place.

Before I conclude, I also wish to add that my discovery on Bill C-4 led me to look more closely at all three government bills that are currently before us — thank goodness Prime Minister Martin has kept the workload unusually light — and found to my dismay, and what I know will be to Senator Austin's even greater dismay, that, indeed, even the second reading speech delivered by the sponsor on Bill C-7 is also a verbatim delivery of the first 22 paragraphs of the Parliamentary Secretary's speech delivered in the other place. This is starting to look like a systemic problem, Your Honour, something that cannot be shovelled aside or ruled upon lightly. I also have copies of that speech, both the minister's and the senator's, so that Your Honour can compare paragraphs one, two, three, four until the end of the speech.

Honourable senators, I am sure you will support me in thanking Senator Austin for flagging this important rule 46 for me. I want to remain, along with him, a vigilant member of the order of business in this place.

Your Honour, I await your ruling.

Hon. Jack Austin (Leader of the Government): Honourable senators, rule 46 is indeed an important one. I join with Senator Tkachuk in making that clear.

I also want to say that I do not think it is good practice for colleagues who are introducing bills on behalf of the government to completely or even substantially duplicate a speech given by a minister in the other place. However, I do not believe it is against the rules.

Rule 46 makes clear that it is out of order to quote from a speech made in the House of Commons in the current session, which may only be summarized, "unless it be a speech of a Minister of the Crown in relation to government policy." Therefore, while I believe that the speeches given are entirely in order, it is my job to make it clear to departmental officials acting on behalf of ministers in support of government legislation in this chamber to smarten up.

Some Hon. Senators: Hear, hear!

• (1510)

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, the time has come for us to make this overt appeal to our rules. We have had instances of this in the past, and all of us understand. We know how this town operates. However, it is important for staff in the ministries that prepare speeches that will be delivered in the House of Commons to know that they cannot simply make a copy of that speech, put a senator's name on it and ship it over to the Senate.

I do not quarrel with our honourable colleagues opposite, because this is not their doing. It is the doing of people in the ministries who are preparing these speeches. They have failed to understand the distinction that exists in a bicameral Parliament.

Our functions are radically different in each House. This is the whole purpose and nature of a bicameral parliament in the Westminster tradition. If these support staff in the ministries have

missed out on that part of Canadian governance in their studies, it is time for them to go back to the books and understand that in this chamber, we will analyze thoughtfully and carefully *ex de novo*, a bill that arrives in this place. That is why we go through it, with the support of all honourable senators on both sides of the aisle, step by step.

Perhaps the last time this happened, we were not rigorous enough in making that point. On the point of order that has been raised by Senator Tkachuk, we should have a ruling. They will then get the message.

I assure honourable senators opposite that I was ready to speak today, to debate the bill on which I took the adjournment, and, indeed, would begin immediately after the fresh argument is advanced on why we should support the principle of the bill at second reading. However, I do not think we can accept an argument that is based upon an argument that was delivered already in the other place.

Senator Austin: Honourable senators, I wish to advise the house why I condemn the practice, although it is not a point of order that should be carried by a Speaker's decision. The practice comes within rule 46, but I do not endorse it. I agree with Senator Kinsella's points about the way in which this chamber should operate.

Senator Tkachuk: Just to clarify, Senator Austin is not correct. These speeches were not quotations. That would be different. If to fortify an argument a senator is quoting the minister in the other place and gives due credit to the quotation, that is reasonable, but he gives credit.

In this particular case, in both these cases, no credit was given. As far as senators here were concerned, these were the words of the senators themselves. There was no reference that this was a quotation from any minister in the other place.

Hon. Anne C. Cools: Honourable senators, I would like to participate briefly in this point of order. This matter has bothered me for quite some time, not only from the point of view of senators repeating speeches that have already been delivered by ministers in the other place, but from the point of view that we are being asked to determine exactly when is it that a senator owns his speech.

There is now arising in many parliamentary quarters great concern about the number of speeches — especially canned speeches — that are being written by other people for members. It is a huge concern. I expect, as a member of Parliament and a senator here, that if a senator rises and speaks, he owns that which he is saying — in other words, that speech is a product of his or her efforts. We must discern exactly what the parliamentary position is on these practices that have grown like Topsy, where it is immediately evident that those speeches were written in distant places because most often they do not even reflect the language of Parliament. Quite often, the grammatical structure is in the passive tense.

I would like to say, Your Honour, that even the Speaker of the Senate is not exempt from my concerns. I remember a couple of years ago when a new Speaker began his words and referred to himself as "Mr. Speaker." Unfortunately, this too has grown into a bit of a practice. It was clear from the Speaker's reading of his own ruling that he had not written it and had had very little involvement in it.

This is a broad question. It has a larger consequence than we comprehend. What it means is that government, by having thousands of people churning out these speeches, can be making in each chamber many speeches in a day. This means, of course, that the natural proceedings in Parliament are not moving along at a very natural pace.

I do a fair amount of reading of old debates. Just a few days ago, I was looking back to Mackenzie King. You could see Mackenzie King moving the adjournment of the debate because he was not ready to proceed — he was still working on a speech. I would submit to honourable senators that the government, with all its resources and all its speech writers grinding them out and holding them in cans, can load and weight the system in its favour.

I know, for example, that if Senator Austin or government sponsors on the other side make four or five speeches on certain orders in a day, it is impossible for me, and I would submit for most of us, to respond.

I speak, honourable senators, as a person who, because of the nature of my personality and the nature of the issues on which I work, cannot find myself in the same group as many other senators. I have to sit down laboriously and do endless hours of work on the speeches that I give.

I am musing aloud here to some degree. This is a huge problem. It has downgraded and diminished the quality of our work. In addition, it has also severed Canadians from the constitutional language that is their rightful heritage. Honourable senators, we now today have a cabinet most of whom cannot speak in the language of Parliament.

We must debate this matter. Senator Austin is correct when he says that this matter should be looked at outside of the scope of a Speaker's ruling. It is an important matter and a valid point that has come forward in a point of order. It would be nice if the Senate as a whole could take control of this issue and examine it because it is so huge.

One of the reasons that I think it is not suitable or appropriate for the Speaker to rule on the issue is that Speakers are involved in the same practices of repeating speeches written for them, although I know of no instance where the Speaker here has repeated a speech given by a Speaker in the other place. This is an enormous problem, and one that is very disturbing.

• (1520)

I am not supporting Senator Austin, although he is right that this should be resolved outside of a point of order. Senator Austin is aware that this is happening, as are all senators. Repeating a

speech in such a way should be deplored and condemned by all in this place. Such a practice is not worthy of senators. Honourable senators, in some chambers, members are not permitted to read speeches; they are only permitted to refer to notes. That practice has some disadvantages, as well.

We should be mindful that our primary task is to speak, which is a skill and a talent that every senator should attempt to develop.

Senator Austin has attempted to characterize the speeches in question as quotations. For the record, once again, rule 46 of the *Rules of the Senate* reads as follows:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy.

It is not possible in logic, in law, in semantics or in grammar to characterize a whole-scale repetition of someone else's speech as a quote, unless, of course, the speaker wants to say that the speech was one great long quote. That in itself is admission that the speech was not that of the person speaking.

I do not believe that rule 46 was intended to support what has happened. Senator Austin is incorrect in attempting to characterize those speeches on, I believe, Bill C-4 and Bill C-7 as being in order because quotations are allowed. Clearly, those speeches were not quotations, per se. All senators know that quotations punctuate speeches, but they do not make a speech.

I would like to thank Senator Tkachuk for bringing forth the issue, because it is time for the house to address this. I deplore such a practice and I have been waiting for someone to raise the issue for an opportunity to speak to it.

Senator Austin: Honourable senators, one point in the argument of Senator Cools raises the following question: How long is a quote? A quote is as long as a quote is, in my view. That is how long a quote is. I hope to be quoted on what I have just said.

In response to Senator Tkachuk, there is nothing in the rule that says that one must identify the source. The rule states that if a senator is quoting a Minister of the Crown, then he or she is entitled to do so.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I wish would like to quote a portion of rule 46 of the *Rules of the Senate*, as the Leader of the Government in the Senate has done:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy.

My understanding in respect of Bill C-4 is that the speech was not made by a minister.

Senator Austin: It was made on behalf of a minister.

Senator Stratton: It was not made by a minister.

Senator Austin: It was made for a minister.

Senator Stratton: The rule does not say that. It says, "...unless it be a speech of the Minister of the Crown..." not "on behalf of" or any such words.

Senator Austin: It was a speech of the minister made by the parliamentary secretary.

Senator Stratton: I would argue that the rule is quite clear, where it states, in part, "unless it be a speech of a Minister of the Crown."

Hon. Sharon Carstairs: Honourable senators, I do not believe this is a point of order. Rather, this is an issue of a bad habit, a bad custom, an extremely bad practice. Senator Austin addressed this in his opening remarks, when he said that it is a bad practice. Quite frankly, it is the result of laziness on the part of departmental officials who find it easier to merely send over the speech, with modifications, of the minister or of the parliamentary secretary rather than write a second speech.

The phrase in rule 46 "unless it be a speech of a Minister of the Crown" is important and could easily be interpreted as the parliamentary secretary who is giving that speech for the Minister of the Crown in relation to government policy.

Honourable senators, nothing is more government policy than a piece of legislation introduced by the government. That is the essence of government policy. We have, in this instance, a speech that is descriptive of the essence of government policy. It follows the words of the minister, I think inappropriately, because the senator should give his or her own speech.

Senator Cools makes reference to the phrase quite rightly. When does a senator give his or her own speech? Certainly, on inquiries, motions and private member's bills, but when a senator undertakes to sponsor a government bill, he or she undertakes to promote government policy as it is written.

Senator Cools: I wish to respond to Senator Carstairs.

The Hon. the Speaker pro tempore: Honourable senators, the point of order has become a debate.

Senator Cools: It is not wise to slough this off on inefficient bureaucrats. Senator Austin said, I believe, that the bureaucrats should smarten up. This is the responsibility of the Senate, and we should take it seriously.

Returning to Senator Austin and Senator Carstairs, a quotation is not a quotation unless the person speaking states that it is such. A quotation usually occurs within speeches and in a particular form.

I do not think we need to rediscover all of the rules around writing and plagiarism. There are some normal ethical and moral concerns that we all learned at one time, if not in kindergarten then somewhere else in our schooling, when we learned to write. It

is not possible, under rule 46, to characterize those speeches as quotes or long quotes because the speakers did not acknowledge that they were quoting. For example, it could be construed as plagiarism but cannot be construed as a quote. There is no way that those speeches could possibly qualify as quotes within the context of rule 46. The problem is larger and affects many senators in this place and members in the other place. It bothers me deeply.

The Hon. the Speaker pro tempore: I wish to thank the senators who intervened on the point of order. I shall take the matter under advisement and return to the chamber as quickly as possible.

ORDERS OF THE DAY

PARKS CANADA AGENCY ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Gill, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, this subject matter has been taken by the Speaker *pro tempore*. I assume that it stands under the Speaker's name.

Order stands.

Hon. Anne C. Cools: Honourable senators, for clarification, do the speeches identified by Senator Tkachuk include Bill C-6?

Senator Kinsella: No.

Hon. Tommy Banks: Certainly not.

Senator Cools: Thank you, Senator Banks.

• (1530)

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Grafstein, for the second reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

Hon. Anne C. Cools: Honourable senators, I rise to speak at second reading of Bill C-6 to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts. Honourable senators, this is the enabling legislation to establish the Ministry of Public Safety and Emergency Preparedness and the position of minister of the department. It involves a simple name change from Solicitor General and the Solicitor General's department, which were established by several Orders-in-Council on December 12, 2003.

Honourable senators, I shall argue that this mega minister and ministry are constitutionally unpalatable, in that they concentrate enormous power in one minister, which powerful minister, cast as the Deputy Prime Minister, is not, consequently, responsible to Parliament but, instead, to the Prime Minister. All this has the effect of putting Canadians at the mercy of this unaccountable and irresponsible, yet very powerful minister.

Honourable senators, the sponsor of Bill C-6, Senator Banks, responding to senators' questions on November 23, 2004, said:

This is a mechanical bill, which gives a constitutional and legal form to steps that have already been taken.

To Senator Kinsella's question on the organization and machinery of government, Senator Banks also told the Senate that:

As the honourable senator has pointed out, each time there has been a reorganization by a government at any time, of whatever stripe, it is done under the authority of the Public Service Rearrangement and Transfer of Duties Act, which permits the Governor-in-Council to transfer portions of the public service from one department to another. This is, again, common.

I would ask honourable senators to remember the words, "transfer portions of the public service from one department to another." Senator Banks added:

There is some matter of substance in the present bill, but with regard to what I think the honourable senator is talking about, this is a name change and not much more.

Honourable senators, Senator Banks described the contents of Bill C-6 as a "name change and not much more." This is no simple name change. This is no simple bill. Passage of Bill C-6 will mean a drastic change to our Constitution, and it will be done in an irregular and improper way. It is a piece of cunning, foisting constitutional and parliamentary mischief upon Canadians and this Parliament.

This is no simple bill. This is a major reorganization of the machinery of the Government of Canada and of the Constitution. Bill C-6 would create a constitutional monster, perhaps a Medusa, a mega ministry and minister in which will reside an unholy and inordinate concentration of power.

Further, Bill C-6 will then deposit this ministry into the position of the Deputy Prime Minister, a position which is a constitutional non-entity and a fabrication of someone's ego and ambition. The Deputy Prime Minister is a servant, not of Her Majesty the Queen or of the people of Canada, but of someone else. The Deputy Prime Minister is a personal political servant of the Prime Minister, and is accountable to the Prime Minister and not to Parliament.

Honourable senators, Bill C-6 will create this mega minister by disfiguring the ancient law officer of the Crown, called the Solicitor General. Bill C-6 distorts the officer, the Solicitor General, effectively abolishing the position while, simultaneously, transforming and morphing it into the new mega minister with characteristics that are not those of the Solicitor General. Honourable senators, the most current edition of *Black's Law Dictionary* defines the Solicitor General at page 1427 as:

The second-highest-ranking legal officer in a government (after the attorney general); esp., the chief courtroom lawyer for the executive branch.

Honourable senators, Senator Banks spoke about the Government of Canada's powers under the Public Service Rearrangement and Transfer of Duties Act to issue Orders-in-Council reorganizing government departments. This act, in section 2, headed "Transfer of Functions and Amalgamation of Departments," states:

2. The Governor in Council may

(a) transfer any powers, duties or functions or the control or supervision of any portion of the public service from one minister to another, or from one department or portion of the public service to another;

(b) amalgamate and combine any two or more departments under one minister and under one deputy minister.

Honourable senators, this rearranging act authorizes the enactment of Orders-in-Council for organizing the machinery of government, but it does not authorize this or any other major constitutional change. All senators should examine these Orders-in-Council closely to discern their real constitutional purpose and their true constitutional effects.

Honourable senators, I submit that Her Majesty's Law Officer, the Solicitor General, is no "portion of the public service." The Solicitor General's department is part of the public service, but not the officer, the Solicitor General herself or himself. Consequently, this ancient officer, either in its nature or its character, cannot be rearranged or transferred under the powers of the Public Service Rearrangement and Transfer of Duties Act. I submit that these alterations to the officer, the Solicitor General, to its nature and its character, are an improper use of this act and should be roundly condemned. This use is an attempt to make the officer, the Solicitor General, something that it is not and something that it cannot be.

I submit that the Public Service Rearrangement and Transfer of Duties Act used to enact this set of Orders-in-Council cannot be applied to morph the Solicitor General, Her Majesty's Law Officer, into this mega minister now called the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness.

Bill C-6 is asking Parliament to do that which the government did not dare do by Order-in-Council, which was to abolish de facto, though not quite de jure, the law officer, the Solicitor General, and to transform it into something else, something quite different from and even constitutionally foreign and contrary to the officer itself.

Bill C-6 treats the Solicitor General as a dispensable fifth wheel in government, to be distorted and enlarged into a mega minister, which then consumes and swallows the Solicitor General. In a bizarre form of constitutional cannibalism, it may be said that the mega minister eats up the Solicitor General. Senators should question why the officer, the Solicitor General, has been made the subject of this manipulation, exaggeration and enlargement. It is time for Parliament to study the Government of Canada's use of the Public Service Rearrangement and Transfer of Duties Act, for purposes not intended or contemplated by Parliament in passing the act many years ago.

Honourable senators, since December 12, 2003, the country has laboured under a legal fiction, perhaps even a constitutional impostor, called the position of Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. One year ago on December 12, 2003, Paul Martin was sworn in as the Queen's First Minister of Canada along with his cabinet, which included Anne McLellan as the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, the totally new ministerial position and department. In describing his cabinet, his reorganized machinery of government, and this new mega ministry, the Prime Minister's press release of that day under the heading, "Securing Canada's Public Health and Safety," informed that the Government of Canada will achieve the goals of public health and safety by making the following changes in the organization and machinery of government including:

1. Creating a new Minister of Public Safety and Emergency Preparedness, to integrate into a single portfolio the core activities of the existing Solicitor General portfolio that secure the safety of Canadians and other activities required to protect against and respond to natural disasters and security emergencies.

• (1540)

Honourable senators, the Prime Minister's press release described at length the creation of this ministry but said nothing of the law officer, the Solicitor General. The Prime Minister's press release was silent on this ancient and historical office, the Solicitor General, Her Majesty's Law Officer of the Crown. The press release spoke of "the core activities of the Solicitor General's portfolio," that is, of departmental activities, but said nothing of the Solicitor General, the law officer itself, its nature, its character or its destiny. The Prime Minister was silent on the key constitutional question. The key constitutional

question is the conversion of Her Majesty's Law Officer, a part of the administration of justice, into a mega minister, the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. Senators must examine the constitutional destiny of the Solicitor General and its availability for such exaggeration. One cannot simply convert things like that. It does not work that way.

Honourable senators, the Solicitor General is, as is the Attorney General, a law officer of the Crown. In Canada, these two ancient offices antecede Confederation and the British North America Act, 1867. Both officers were modeled on the ancient offices of the United Kingdom created by Their Majesties using royal instruments. The law officers of the Crown are unique officers. When these officers are cabinet members, which often they are not, their constitutional positions as cabinet members are quite distinguished from their constitutional positions as law officers because of their constitutional roles in the administration of justice and because of their relationship to Her Majesty the Queen as the fountain of justice. In fact, as the law officers, they exercise a peculiar and important independence separate from the rest of cabinet because of their roles as the administrators of national justice. Bill C-6 does not respect that independence and, as a matter of fact, tramples it.

Simultaneously on December 12, 2003, a cluster of Orders in Council were enacted to accomplish Prime Minister Paul Martin's restructuring and reorganization of government. Following the swearing in, the ancient position, the law officer of the Crown, Her Majesty's Solicitor General, seemed to have disappeared from the lexicon and all, including the media and members of Parliament, began to describe Anne McLellan not as the Solicitor General but as the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness.

Honourable senators, I was away when this happened. In a telephone conversation through which I was learning who the new ministers were, I inquired who the new Solicitor General was. My staff told me that there was none. I said, "There has to be a Solicitor General." It was only when I returned and was able to look into the matter that I discovered what had happened. Even in those few days, the descriptor of the Solicitor General as the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness was already rampant.

Last December, I attempted to discover why Canada's Solicitor General had seemingly disappeared. I looked, therefore, to the *Canada Gazette* of January 3, 2004, just days after the swearing in. Under "Government Notices," describing appointments, the *Canada Gazette* described Anne McLellan saying:

McLellan, The Hon/L'hon. Anne, P.C./C.P.

Solicitor General of Canada to be styled Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness...

I repeat, the "Solicitor General to be styled Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness." We should note the difference between the description in the *Canada Gazette* and that of the Prime Minister's December 12 press release.

Honourable senators should also note the ancient office of Her Majesty the Queen's Solicitor General cannot constitutionally be styled to be anything other than what it is, the Queen's Solicitor General. The practice of style cannot alter or amend the nature and character of the office itself, nor the constitutional design and purpose of the office.

Honourable senators, I would like you to consider a possibility to make my point. We should ask is it possible, for example, that the Prime Minister bring forth an Order-in-Council and a bill to style himself the King of Canada? I do not think so. I think that we senators had better do some homework to find out what styling can and cannot do. I submit that it cannot alter the nature and character of the Solicitor General itself.

I repeat, honourable senators, that the Public Service Rearrangement and Transfer of Duties Act provides no authority or power whatsoever for the disfiguring, alteration or elimination of the officer, the Solicitor General, the junior law officer of the Crown. It is a travesty that Parliament has been asked to participate in this piece of deception and constitutional vandalism.

This government is systematically dismantling Canada and its Constitution. A few legal elites seem to be ever working to rid Canada of its Westminster foundations and its constitutional terminology. This is a constitutional cleansing or perhaps a constitutional bloat.

Honourable senators, Prime Minister Martin's major reorganization of government in this area was effected by several Orders in Council of December 12, 2003. In Canada, it had historically been the practice to accompany major government reorganization by adequate study, consideration, and also some debate in Parliament. For example, in 1966 when Liberal Prime Minister Lester B. Pearson set about his major government reorganization, which coincidentally included the creation of the Solicitor General's department, by transferring portions of the Department of Justice to a new department of the Solicitor General, which Bill C-6 will repeal, his major initiative, Bill C-178, an Act respecting the organization of the Government of Canada and matters related or incidental thereto, was driven by the Royal Commission on Government Organization, chaired by J. Grant Glassco. In addition, prior to Bill C-178 proceeding in the House of Commons, Mr. Pearson, on May 9, 1966, moved for a Committee of the Whole to consider the resolution that it was "expedient to introduce a measure respecting the organization of the government of Canada to establish a Department of the Solicitor General...." Many departments were being established.

Honourable senators, Prime Minister Mackenzie King acted similarly in 1936 when, prior to his government reorganization bills, he moved for Committees of the Whole to study the expediency of his proposed reorganizations. It seems that this government is not bound even by its own former Liberal prime ministers and has offered no study, no royal commission, no resolutions and no parliamentary debate on this measure. In fact, this government has offered no explanation for the changes

proposed in Bill C-6, other than to say that they want to cluster together in one ministry a collection of, to my mind, disparate agencies.

Having offered no explanation, we are left with the fact, still, that this Minister of Public Safety and Emergency Preparedness is a mega minister, in whose office will be concentrated extraordinary powers, both domestically and internationally. Senators should be skeptical about such power concentration, particularly when the Speech from the Throne of February 2, 2004, situated this new ministry under the speech's heading "Canada's Role in the World."

• (1550)

En passant, I must inform honourable senators that in 1966 when Mr. Pearson created several new departments, the Glassco Commission reports, which fuelled his report, did not touch upon the office of the Solicitor General. In fact, Mr. Pearson then gave few reasons for converting portions of the Department of Justice into the Department of the Solicitor General. Professor Edwards told of this in his 1980 study entitled, "Ministerial Responsibility for National Security: As it relates to the offices of Prime Minister, Attorney General and Solicitor General of Canada." Professor Edwards wrote:

We are left with the inescapable suspicion that neither the Government nor the Prime Minister addressed their minds in 1966 to the ramifications of using the portfolio of the Solicitor General, an office exclusively rooted in the historical development of the Law Officers of the Crown, to describe the new Department responsible for the R.C.M.P., the federal penitentiaries, parole service and National Parole Board...

Honourable senators, Bill C-6 purports to mysteriously transform the Solicitor General, Her Majesty's Law Officer into a mega minister called the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. However, no one will explain how this mysterious transformation takes place in law. I submit that the Law Officer of the Crown, the Solicitor General simply cannot be transformed thus. As I said before, this is constitutional vandalism by a government that has no understanding of the proper constitutional roles of the Attorney General and the Solicitor General and of the proper constitutional relationship between those law officers, the Prime Minister and the cabinet.

Bill C-6, clause 7(1), will deem the Solicitor General into the new mega minister by saying:

Any person who holds the office of Solicitor General of Canada or Deputy Solicitor General of Canada on the day on which this section comes into force is deemed to have been appointed under this Act as Minister of Public Safety and Emergency Preparedness or Deputy Minister of Public Safety and Emergency Preparedness respectively from and after that day.

The officer, the Solicitor General, simply cannot be deemed into the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. This clause suggests that Anne McLellan may not have been properly appointed in December 2003. It is unclear why the incumbent, Anne McLellan, whom the *Canada Gazette* reported as sworn in as the minister on December 2, 2003, is now in clause 7 asking Parliament to deem her "to have been" appointed to that which she was appointed a year ago, last year. It leads us to query or suspect that perhaps she was never appointed as the minister or that perhaps the appointment process was flawed or defective. Honourable senators should examine this strange and suspicious clause deeming Anne McLellan "to have been" appointed as the minister. The appointment of ministers is exclusively under the purview of the Governor General, acting as the delegate of Her Majesty the Queen and exercising the Queen's prerogative. It is not the purview of Parliament.

Honourable senators, I will speak a little about the term "deem." It is one of those things to which I hope honourable senators will begin to address their mind. In statutory and legislative drafting, it is thought that the term "deem" is to be avoided or used very cautiously. *Black's Law Dictionary*, 7th edition, 1999 defines "deem" on page 425:

1. To treat (something) as if (1) it were really something else, or (2), it has qualities that it doesn't have <although the document was not in fact signed until April 21, it explicitly states that it must be deemed to have been signed on April 14>

Black's Dictionary continues its definition saying:

"Deem" is a useful word when it is necessary to establish a legal fiction either positively by "deeming" something to be something it is not or negatively by "deeming" something not to be something which it is...All other uses of the word should be avoided.

Black's Dictionary continues:

"Deem" is useful but dangerous. It creates artificiality and artificiality should not be resorted to if it can be avoided.

Honourable senators, I move now to the constitutional nature and character of Her Majesty's two law officers. These are ancient offices. The Attorney General originates in the *attornatus regis*, the King's attorney and the Solicitor General originates in the *secundarius attornatus*, the second attorney. These two ancient officers are governed by a tiny amount of statutory law and a large body of common law. They are distinguished by judicial and quasi-judicial characteristics and their unique constitutional relationship to our Sovereign Queen, the "fountain of justice," and to the Queen's subjects, as the guardians of the public interest, and as the officers in charge of Her Majesty's legal affairs and the administration of justice for her subjects on her behalf.

Honourable senators, Professor John Edwards is a singular scholar on these officers. He tells us of the absence of knowledge and understanding of these officers' roles. He noted this at page 2

of his study already cited, the "regrettable absence of published writings on the role of the offices of the Attorney General and Solicitor General in Canadian constitutional history..."

Professor Edwards continued:

If my assumption is correct that there exists throughout every country of the Commonwealth a vast body of public ignorance as to the essential role and functions of the office of Attorney General, part of the blame for this state of affairs must rest with past and present holders of the portfolios and offices represented at this meeting. Reading the parliamentary debates, journals and newspapers of the respective Commonwealth countries evinces little substance by way of public explanation of the office of the Attorney General or its special responsibilities as the avowed guardian of the public interest.

Honourable senators, this absence of knowledge is again proven by the lack of debate around Bill C-6 on the office of the Solicitor General.

I shall now give a cameo view of the constitutional positions of the law officers of the Crown and of the relative positions of the two officers. Professor John Edwards, in his 1964 book entitled *The Law Officers of the Crown*, explores the relative positions of the two law officers. He wrote of glimpses "into those areas in which the functions of the two Law Officers were coordinate, that is in drawing up and passing royal grants, which are to go to the great seal." He wrote that the historical common law position was articulated by Lord Mansfield in 1770 in the case of *R v. John Wilkes*. Professor Edwards cited Lord Mansfield at page 124:

"As far back as the memory of the vacancies of the Attorney's office has led to search," the Chief Justice continued, "precedents have been found of informations filed by the Solicitor-General, in Chancery, and on the law side of the Exchequer...There are precedents of replying, demurring and taking issue, praying judgement or award of execution, by the Solicitor-General, during the vacancy of the other office. We all know from experience that any vacancy which we remember of the attorney's place, his office has been executed by the Solicitor General...They give credit to the Solicitor-General, whose authority to act is derived from the prerogative powers inherent in the office of the Attorney-General..."

• (1600)

Professor Edwards reinforces this point, quoting Lord Mansfield again on page 125:

In any such eventuality, "the business (which cannot stand still) must devolve upon another of the King's Counsel: and there is nothing so certain, as that the whole business and authority of the Attorney devolves upon the Solicitor-General."

Professor Edwards agrees with Lord Mansfield, saying:

This statement of the relative positions of the two Law Officers of the Crown, clear and comprehensive in the mould generally associated with the great Chief Justice, is as true today as it was then.

Honourable senators, as I said before, this bill is no simple name change. Professor Edwards studied the relationship between the Attorney General and the Solicitor General and their relationship to cabinet. He continued, quoting Chief Justice Wilmut of the Court of Common Pleas at page 126:

... the Solicitor-General is the *secundarius attornatus*; and as the Courts take notice judicially of the Attorney-General, when there is one, they take notice of the Solicitor-General, as standing in his place, when there is none. He is a known and sworn officer of the Crown, as much as the attorney; and, in the vacancy of that office, does every act, and executes every branch of it.

He quotes Chief Justice Wilmut again as follows:

That the office of Attorney-General devolves upon the solicitor, is proved by such a chain of authorities, as can leave no doubt in any man's mind upon this question.

Honourable senators, Canada has had Solicitors General since 1782. After Confederation, on June 23, 1887, under Conservative Prime Minister Sir John A. Macdonald, Bill 42, to make provision for the appointment of a Solicitor General, introduced by Attorney General and Minister of Justice Sir John Thompson, received Royal Assent. Section 1 reads as follows:

1. The Governor in Council may appoint an officer, who shall be called "The Solicitor General of Canada," and who shall assist the Minister of Justice in the counsel work of the Department of Justice, and shall be charged with such other duties as are at any time assigned to him by the Governor in Council.

Sir John A. Macdonald's statute was consistent with the constitution, and the common law position, that the Solicitor General is the *secundarius attornatus*, the centuries-old common law position that has been in force in Canada from 1782 until now. Honourable senators, clearly, the first Prime Minister of Canada possessed great knowledge of the operation of our constitutional system. I do believe that we should follow the lead of Sir John A. Macdonald and uphold our constitutional system. I suggest that our support for this bill be guarded and that we examine its constitutional implications.

Honourable senators, in conclusion, this government, in Bill C-6, has created a mega ministry, a constitutional monster which I believe is foreign to our constitutional system. Under the heading "Powers, Duties and Functions of a Minister," Bill C-6, in clauses 4, 5 and 6, would confer upon the minister what I would describe as excessive powers in several distinct fields. Consequently, one minister will possess almost total and absolute power over individual Canadians, whether those powers are policing, prosecuting, detaining, intelligence, security, customs, borders, not to mention the powers over parole, pardons and clemency. This ministry is a very large tent of coercive and restraining powers. This mega ministry is a constitutional creature unknown to us and to our constitution and is unpalatable.

Senators should be concerned about this mega ministry, particularly by the lack of study that has accompanied its creation. Senators, support for this bill should be guarded.

Honourable senators, the reorganization of government and the machinery of government are undoubtedly the Prime Minister's and Privy Council's ken. The Prime Minister has cast this mega minister, a dangerous mutant of the Solicitor General, as the Prime Minister's personal servant, his own personal assistant. This is unconstitutional, improper and irregular.

As a result of these bizarre innovations in the law and the constitution, the Prime Minister should come to the Senate committee to explain why he saw fit to abolish the ancient officer, the Solicitor General, an important and major part of the administration of justice which was swallowed up by this mega minister, and also why he chose to subordinate the mega minister to the Prime Minister himself. Anyone can tell you that the proper constitutional role of the law officers of the Crown is their peculiar independence and distinctness.

In other words, honourable senators, as I said before, my concern in this bill is that this mega minister is unconstitutional and unpalatable because it concentrates enormous power in one minister and then turns around and casts that minister, the Deputy Prime Minister, who, holding such powers, is not responsible to Parliament but instead is responsible to the Prime Minister. In my view, honourable senators, the effect of all of this constitutional tampering is clearly negative because it has the effect of putting individual Canadians at the mercy of one minister who embodies this combined and disparate concentration of powers.

Honourable senators, I hope that we shall have some good debate on the complexities of this bill. I hope that honourable senators will give this bill the attention it deserves and understand that what has happened here is extremely complex. It is not mechanical; it is seriously constitutional.

Honourable senators, I do not believe that Her Majesty's Law Officer can just be morphed, mutated or grown into another position. It does not function that way. I hope that, when this bill is referred to committee, we will hear from witnesses who will speak to these points. To many senators they may seem arcane and cryptic, but they are of great constitutional importance. We are talking about the administrators of the justice system and of national justice.

From everything I have heard so far, the creation of this bill and the use of the Solicitor General seems accidental. It is as though they went about styling the Solicitor General or were trying to obliterate the Solicitor General, and somebody said, "We need a Solicitor General. You just cannot do that." Then someone said, "Let's style the Solicitor General as the Minister of Public Safety." Then somebody said, "Oh, my goodness, I am not too sure we can do that either, and maybe what we need is a bill to set it all right." I do not know. I am speculating. I hope that there are some reasonable and rational answers.

Again and again in this place, whenever you hear that a bill is simple or mechanical or for housekeeping, that should be a hint to study it closely.

I thank honourable senators for their attention, and I hope that I have not bored them too much.

Hon. Tommy Banks: Would the honourable senator answer a question?

Senator Cools: I always love to talk to Senator Banks.

Senator Banks: To Senator Cools, a rose by any other name is still a rose, and the junior legal officer by any other name is still the junior legal officer.

The thing that is mysterious to me — the honourable senator has referred to mysteriousness — is the honourable senator's characterizations having to do with this bill.

To get directly to my questions: I have a good friend in Alberta who I see frequently and for whom I have the highest regard. His name is Don Mazankowski. Would the honourable senator tell us what his title was when he was in the other place?

• (1610)

Further, would the honourable senator tell us where in the Constitution of Canada it names those persons who are members of the ministry of the government and the offices they hold and that constrains the changing of them? Would the honourable senator further tell us who was the minister of war production before Mr. Mackenzie King named one?

Senator Cools: I do not understand the relevance of the honourable senator's question. I think what he is getting at, though he is not that clear, is that Don Mazankowski was the Deputy Prime Minister. This is a recent innovation. The first Deputy Prime Minister was Allan J. MacEachen, and there is a history to it.

Senator Mercer: A great man, too!

Senator Cools: I am a great respecter of Allan J. Let me tell you, I served under Allan J. in this place.

Senator Tkachuk: Does he still have a free office in this place?

Senator Cools: This term "Deputy Prime Minister" is not an office.

Senator Banks: Is not what?

Senator Cools: It is not an office. This is a recent fabrication.

What I am trying to say, which I think is eluding us, is that one does not take these ancient positions, Her Majesty's Law Officers of the Crown, and subject them as subordinate offices to the Prime Minister. That is what I am saying. I hope that is the point that the honourable senator will have taken.

Whenever attorneys general or ministers of justice get the two roles confused, as do solicitors general, one finds that the results are quite catastrophic. All one has to do is review the literature. Look at the McDonald commission, which studied the proper role of the Solicitor General and the RCMP, or the Mackenzie commission — there have been many. Look to history for the troublesomeness of some of this information.

Perhaps the honourable senator could phrase his second question again because I am not sure that I grasped it.

Senator Banks: In the process, I will report to Mr. Mazankowski next time I see him that he was a fabrication, as was his office.

Senator Cools: It is a fabrication. I am sorry, but the term "Deputy Prime Minister" is a pure construct of ego.

Senator Banks: I was quoting the term "fabrication" from the honourable senator.

The second question was, where in the Constitution are the titles that will form the ministry of the Government of Canada listed and circumscribed?

Senator Cools: I will hold to my point. I am saying that our Constitution vests all executive power in Her Majesty the Queen. This is no ornament. This is a constitutional, legal fact.

I say to the honourable senator that these two positions are the law officers of Her Majesty the Queen. If I were to follow your lead in what you are saying, you would say, "Where in the Constitution, then, is the office of Governor General constituted?"

Senator Banks: It is in the Constitution.

Senator Cools: No, it is not. The Governor General is not constituted by the BNA Act. The Governor General today, as it was in 1867, is constituted by royal letters patent and royal commissions. You did not know that, right?

The point is, the authority for which I am speaking, about the law officers of Her Majesty, are to be found in the section of the Constitution that vests executive power and executive authority in Her Majesty.

If it my honourable friend really wants me to list sections, we can continue. However, let us understand that we are talking about ancient offices whose Constitution precedes, quite frankly, the existence of Canada. I would submit to honourable senators that we cannot wave them away or wish them away or morph them away. What is next? What do we morph away next?

The honourable senator can answer the question I raised. Can the Prime Minister bring an Order-in-Council the same way and say that the Prime Minister of Canada is to be styled the King, is to be styled the President?

Senator Banks: I suspect he could for about a day and a half.

Senator Cools: You think so? I would call it treason.

Senator Banks: I am sure the honourable senator would agree with me that this bill requires study, I wish to inform the Senate that I intend to refer Bill C-6 to the Standing Senate Committee on National Security and Defence for further study once it is passed. I now call the question.

Senator Cools: You cannot call the question. There are speakers who wish to speak.

The Hon. the Speaker pro tempore: I regret to say, honourable senator, that your time has expired.

Senator Cools: Which question is he calling?

Senator Mercer: Time is up.

The Hon. the Speaker pro tempore: Are you asking for leave to continue?

Senator Cools: I was not. I was trying to clarify that when Senator Banks said "I now call the question," or put the question, what question he was asking to be put.

The Hon. the Speaker pro tempore: Then the time has expired, senator. Are senators ready for the question?

Senator Cools: Not really, honourable senators.

Some Hon. Senators: Question!

Senator Cools: I was under the impression that I have a right to make a response to close the debate.

The Hon. the Speaker pro tempore: Could you do it briefly because your time has expired?

Senator Cools: I had not planned to do it today. Had I known that this was the intention today, then I would have come with two speeches. I do not use canned speeches.

The Hon. the Speaker pro tempore: I remind honourable senators that a senator can only speak once on a bill, and Senator Cools has used up her time.

I am obliged to ask, if no one else wishes to speak, are senators ready for the question?

Some Hon. Senators: Question!

Senator Cools: I would like, for the sake of clarification, to say that the process seems to be —

Some Hon. Senators: Order!

Senator Cools: I am quite in order, honourable senators. You are out of order.

Senator Losier-Cool: The question has been called.

Senator Mercer: Question!

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question!

Senator Cools: This will be good.

The Hon. the Speaker pro tempore: It was moved by Honourable Senator Banks, seconded by the Honourable Senator Callbeck, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

Hon. Tommy Banks: Honourable senators, I move that this bill be sent to the Standing Senate Committee on National Security and Defence for further study.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Banks, seconded by the Honourable Senator Callbeck —

Senator Cools: Perhaps the senator will take a question.

The Hon. the Speaker pro tempore: I am sorry, senator, but this is not a debatable motion.

Senator Cools: Could the honourable senator clarify why that committee? The issue is so very complex.

The Hon. the Speaker pro tempore: Is there unanimous consent that Senator Banks clarify the reason for requesting that the bill be sent to this committee?

Hon. Bill Rompkey (Deputy Leader of the Government): The motion is not debatable as far as we are concerned, Your Honour. I think we should hear the question.

The Hon. the Speaker pro tempore: There is no unanimous consent. Since the motion is not debatable, it is moved by the Honourable Senator Banks, seconded by Senator Callbeck, that the bill be referred to the Standing Senate Committee on National Security and Defence.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Senator Cools: On division.

On motion of Senator Banks, bill referred to the Standing Senate Committee on National Security and Defence, on division.

CANADA EDUCATION SAVINGS BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-5, to provide financial assistance for post-secondary education savings.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Moore, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

• (1620)

THE TLICHO LAND CLAIMS
AND SELF-GOVERNMENT BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-14, to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other acts, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Sibbeston, bill placed on the Orders of the Day for second reading two days hence.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Plamondon, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-19, to amend the Criminal Code (criminal interest rate).—(*Honourable Senator Rompkey, P.C.*)

Hon. Catherine S. Callbeck: Honourable senators, Senator Rompkey took adjournment of this proposed legislation, to which I rise to speak today. I am pleased to take part in the debate on Bill S-19 to amend the Criminal Code, the criminal interest rate. I thank Senator Plamondon for bringing forward this important and long-overdue bill. The honourable senator has always been a strong advocate for Canadian consumers.

In her speech, Senator Plamondon reminded us that we have a criminal offence in place to protect the poor and the vulnerable who might otherwise be taken advantage of by unscrupulous lenders. The current provision is nearly 25 years old, and Senator Plamondon is right in thinking that it needs to be updated.

Bill S-19 proposes to change two definitions in section 347 of the Criminal Code. The first change is to the threshold at which interest rates are defined as “criminal.” Under the current provisions of the Criminal Code, a lender can legally charge up to and including 60 per cent effective annual interest. Bill S-19 would change this to the Bank of Canada key policy interest rate plus 35 per cent.

The second change would be to the definition of “interest.” The current definition excludes insurance charges. Bill S-19 would remove this exclusion so that interest charges would be included in the overall limit on interest. However, I have taken some time to look into what we call the “alternative credit market” in Canada. To be honest, I was truly surprised and depressed at some of the things I found. I must admit I was not aware that businesses can legally charge interest at 60 per cent. That is way out of line.

From what I discovered, the only businesses in Canada operating near the criminal rate threshold of 60 per cent appear to be payday lenders. Payday loans are the most extreme form of high-interest credit in Canada today. These companies advertise easy credit for anyone who can show that they have a job or a fixed income. When you take into account all borrowing costs associated with a payday loan, the effective interest rate charges are well above 60 per cent per annum.

I will state some information from a study that was published in February 2000. It was entitled “Access to Credit in the Alternative Consumer Credit Market” by Iain Ramsey, Professor of Law, Osgoode Hall, Toronto. This study contains a payday loan survey prepared in the Greater Toronto Area. It shows the cost of borrowing for seven days and for 14 days. For a seven-day loan, the cost of borrowing ranged from 670 per cent to 1300 per cent. For a 14-day loan, the cost of borrowing ranged from 335 per cent to 650 per cent.

By their own account, payday lenders operate very close to the criminal rate. Most charge just over 1 per cent per week, or just under 60 per cent per annum. If you agree with their method of calculating interest, they are just shy of the criminal rate. However, the interest charged is often just a small part of the real cost of taking out that payday loan. These lenders impose administrative fees and other charges that far exceed the interest they charge, as illustrated by Professor Ramsey’s report.

Honourable senators, an example of one potential cost to the borrower is an administrative fee payable if a loan is repaid late. Lenders insist that this is not an interest charge. In some cases, if you read the fine print of your payday loan agreement, you will discover that the due date is the day before your payday. As a result, this late fee would also be payable. It is basically an unavoidable cost of taking out a payday loan.

Another example is the cheque-cashing fee. Many payday lenders require the borrower to provide a post-dated cheque to ensure repayment. When the loan comes due, the lender charges the borrower a cheque-cashing fee for repaying the loan. At one major payday lender in Canada, the cheque-cashing fee was \$9.99 plus 7.99 per cent of the amount of the cheque.

Payday loan businesses are surprisingly numerous in Canada. There are approximately 1200 stores and the numbers are growing. Indications are that over 1 million Canadians have used these services. In addition to the growth of store locations across Canada, the industry is also expanding rapidly on the Internet. Lenders both inside and outside Canada have been successful in making payday loans by way of electronic transactions with internet users in Canada.

Honourable senators, the payday loan industry is fairly new in Canada. As a result, it is largely unregulated. Some provinces have some form of licensing or registration requirements for payday lenders. I believe we have reason to be concerned about the unregulated growth of this industry. Bill S-19 is timely because it gives us an opportunity to study this new industry to determine whether our laws need to adapt to these developments.

Honourable senators, with the introduction of Bill S-19, Senator Plamondon has raised two important issues about the definitions of the existing criminal provisions. I agree with her that the definitions are outdated. The new definition of "criminal interest rate" proposed by Bill S-19 of the central bank rate plus 35 per cent would allow the rate to keep up with economic realities from year to year without having to amend the Criminal Code. This is a sound approach to the issue. However, I am certain that the committee that will study this bill will carefully examine the specifics to ensure that 35 per cent is the appropriate figure.

• (1630)

When it comes to insurance premiums, the senator's starting point is that these are the costs of borrowing and therefore should be included in the overall limit. I agree with the logic in that approach. At the same time, I think the committee will want to examine the reasons it was expressly excluded in the past to see whether they are still valid today.

I also think the committee should go further in the study of Bill S-19 and consider what should be included in the calculation of interest. Maybe the definition simply needs clarification or maybe some the administration charges we see in the payday loans industry should be expressly included.

Another issue is the requirement is under section 347(7) that prosecution may only be commenced with the consent of the Attorney General of a province. Crown attorneys usually take this to mean that they should prosecute only in special circumstances. Committees should explore whether the consent requirement is really necessary.

Honourable senators, I agree with Senator Plamondon on her initiative and I congratulate her. Her proposal to modernize the

criminal interest rate definitions is very sensible. I urge honourable senators to support this bill at second reading and subsequent referral to the committee, where the many issues raised in this debate can receive a more thorough study.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, if Senator Plamondon speaks now, her speech will end debate on the motion.

Hon. Madeleine Plamondon: Honourable senators, I would like to thank the senators on both the Liberal and Conservative sides for their support.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, When shall this bill be read the third time?

On motion of Senator Plamondon, bill referred to the Standing Senate Committee on Banking and Commerce.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-21, amending the Criminal Code (protection of children).

She said: Honourable senators, I am very pleased to have this opportunity to speak to you on this bill, the sole purpose of which is to abolish section 43 of the Criminal Code, which reads:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

I would like to bring to my colleagues' attention the study I and my staff have carried out this past year in order to explain the origins of this section of the Criminal Code and why it needs to be abolished and sent to join the other sections that have been abolished already.

First, I want to define, according to the Webster dictionary, the word "to correct," which means "to punish someone with a view to reforming or improving." Under the word "correction," it states "the administration of corporal punishment or blows to a

person.” There must be agreement on the words used in section 43. The same section talks about care. But the word “care,” in the same dictionary, is defined as, “means by which an individual’s health is restored or solicitude for another.” Senators will agree with me that the words “correct” and “care,” which appear in the same section, require some reflection.

I think that the history of the section needs to be mentioned for the very simple reason that it is so entrenched in the practices of our justice system, in particular, our common law. I want to talk about its origins so that we can consider the future. History teaches us how to move forward.

We can go as far back as the authority of the *paterfamilias*, *pater potestas*, under Roman law, which gave the male head of the family the right to punish, even kill, his children, wife and servants. It was only in 365 AD that the right to kill was abolished and gentler means were adopted, in other words, hitting.

In 1770, Blackstone wrote that the Romans had the right of life or death over their children. He simply stated that we were now more modern and allowed:

[English]

Moderate chastisement is a power or a right belonging to the father, or his delegate, to lawfully correct his child, being under age, in a reasonable manner for the benefit of his education. Parents, school teachers and masters of apprentices were encouraged by church and state authorities to administer regular beatings and to induce children’s obedience. Children’s will were to be broken by assault to support obedience, learning and right behaviour.

[Translation]

It would appear that in 2004, our interpretation has not changed. Our common law is derived from British common law. I can quote the renowned Queen Victoria, who believed strongly in her times and who said:

[English]

Spare the rod and spoil the child.

[Translation]

Queen Victoria attributed that proverb to Solomon, but in fact George Bernard Shaw wrote those words. It comes from the Victorian period when Great Britain permitted and authorized teachers and parents to strike children. Another famous Englishman, Churchill, was removed from his preparatory school, St. George’s School, because he was being beaten so harshly. He hated the school and the life of anxiety he led during those two years. Thus, an English politician remembered the blows and wounds he had received.

Corporal punishment was not outlawed in England until 1986 in the public schools and 1999 in the private schools. The legal change does not translate easily into the political arena.

[Senator Hervieux-Payette]

• (1640)

This fall, the British Parliament, under its quasi-socialist government, voted against repealing a section similar to section 43, thus leaving parents with the power to strike their children. That is the same parliament, honourable senators, which has now forbidden fox hunting in order to protect the poor foxes from packs of hounds.

They will continue to strike their children, but the British tradition of hunting with hounds will be eliminated. In Canada, the 1892 Criminal Code no longer authorized corporal punishment for wives and servants. Section 43 dates from 1892. We have kept an article of law that goes back nearly two centuries.

Punishment of prisoners by whipping was abolished later, since it remained in the Criminal Code until 1973, although it was no longer used. Corporal punishment, at the present time, can only be used on children. Otherwise, it is considered common or aggravated assault.

The offence of aggravated assault applies to everyone. The offence of common assault still applies today, but only in the case of children aged 2 to 12, where a parent would claim, as a defence, that he wanted to use reasonable force as a means of correction toward his child.

Our study compelled me to look at what is being done in countries where this practice has effectively been stopped. It was in 1979 that Sweden began to legislate to take this right away from parents, even though, at the time, the general public still supported the use of force as a means of correction.

When the amendment was made, the government launched a national campaign to inform parents of the serious dangers and risks to children. Following that awareness campaign, public opinion changed drastically. The Swedes used milk cartons to inform parents of the fact that hitting children was an offence. This is how each household was informed that the act had been amended and that parents were no longer allowed to hit children.

As we speak, countries such as Austria, Bulgaria, Croatia, Cyprus, Denmark, Finland, Germany, Iceland, Latvia, Norway, Ukraine and at least nine other states have already passed similar legislation. So, we are not talking about innovating in this area.

In 1991, Canada ratified the United Nations Convention on the Rights of the Child, article 19 of which requires it to protect children from all forms of physical or mental violence, injury or abuse.

In response to Canada’s first and second reports on the Convention, the United Nations Committee on the Rights of the Child had recommended expressly prohibiting the use of corporal punishment on children at school and at home.

I want to inform honourable senators that on June 20, 1995 and October 27, 2003, the United Nations reported that Canada was not respecting the terms of the treaty it had signed. The reporting committee noted with deep concern that Canada had not adopted provisions expressly prohibiting all forms of corporal punishment and that it had taken no action to repeal section 43 of the Criminal Code, which still allows corporal punishment.

Honourable senators, I will nonetheless pay tribute to parliamentarians who have already submitted private member's bills to amend this section, both in the House of Commons and in the Senate. The governments have never tabled a bill on this.

I think that currently, through the Parliamentary Assembly, the Council of Europe requires all European countries to prohibit hitting children. I will quote from the last report from June 2004:

[English]

The Assembly also notes that the European Court of Human Rights has found in successive judgments that corporal punishment violates children's rights as guaranteed under the European Convention on Human Rights...both the European Commission of Human Rights...and the Court have emphasized that banning all corporal punishment does not breach the right to private or family life or religious freedom.

It is important to underline that:

...all member states have ratified the United Nations Convention on the Rights of the Child, which requires them to protect children from all forms of physical or mental violence by adults while in their care. The Committee on the Rights of the Child, which monitors compliance with the Convention, has consistently interpreted the latter as requiring states both to prohibit all forms of corporal punishment of children and to educate and inform the public on the subject.

The purpose of my bill, of course, honourable senators, is to inform the public that this should happen no more.

[Translation]

Why did I draft this bill? First of all, I was waiting for the Supreme Court judgment, which was brought down this past January. It upheld the legality of section 43, while at the same time limiting its scope.

The majority ruling said the following:

The force must have been intended to be for educative or corrective purposes, relating to restraining ... the actual behaviour of a child capable of benefiting from the correction

The second argument:

Section 43 permits only corrective force that is reasonable. It provides parents and teachers with the ability to carry out the reasonable education of the child without threat of sanction by the criminal law.

I would add a comment on this because, with the explanations given by Justices Arbour and Deschamps, we will have the opportunity to see that this concept of reasonableness is not very reasonable.

Justice Binnie dissented as far as teachers are concerned. He stated that "section 43 protects parents and teachers, not children." It is quite extraordinary for a Supreme Court justice to give such an interpretation to this section.

I will now look at the two key arguments made by Justice Arbour, who sat on the International Criminal Court and who was promoted to the Supreme Court. She states that section 43 violates children's security of the person interest and that the deprivation is not in accordance with the relevant principle of fundamental justice, in that it is unconstitutionally vague.

To reassure parents who might give in to impatience at some point, Justice Arbour goes on to say that the purpose of abolishing section 43 is not to cause problems for any parent who might some day act out of impatience. She says:

The common law defences of necessity and de minimis adequately protect parents and teachers from excusable and/or trivial conduct.

So a gesture of impatience is far from being an action to correct or educate. There will be no criminal charges, no accusation of assault. Parents in fact have an obligation to intervene, for instance to separate two children who are going at it hammer and tongs, in order to avoid the situation escalating.

As for Madam Justice Deschamps, who is a judge from another generation, her arguments are of absolutely capital importance, even more so for those of us who were working at the time the Charter of Rights and Freedoms became constitutional law.

She refers to section 15 of the Charter in reference to government measures that have a discriminatory purpose or effect based on a similar motive and which are an affront to the dignity of the person.

• (1650)

At the heart of section 15 is the promotion of a society in which all are secure in the knowledge that they are recognized at law as human beings. In the case at hand, the Supreme Court decision now permits the use of physical force only against children from 2 to 12 years old. Thus, you may not hit a child under 2 years old and you may not hit a child over 12. Justice Deschamps's argument is a general one. It says that all persons are equal and deserve the same dignity of their person.

Section 265 establishes the offence of assault and does not permit the use of force in any circumstances except those listed, including the protection of weaker beings, or involvement in matters of another person's life or death.

I believe she gives further arguments. She talks about the deleterious effects of this permission to use force. It touches such a core right of children as a vulnerable group that the salutary effects must be extremely compelling to be proportional. In other words, the benefits of striking a child must be so significant that they justify the use of force.

Every time there is a new investigation, we realize that it does no good. She concludes that this section does not meet the standards set in the Charter and, therefore, the supremacy of the Constitution, itself based on the equality of persons, does not give parents the right to strike children between the ages of 2 and 12.

I would like to draw to your attention two relatively recent reports. When asked if this practice or tradition had drawbacks or ill effects, 71 per cent of the Canadian public said that unless there were a corrective or educative effect, it did not agree with punishing children. More than two-thirds of the Canadian public stand behind this argument.

But the most powerful argument came out of a very recent study. On October 25, 2004, Statistics Canada published a report on a study involving 2,000 children. It states, among other things, that the study found that children aged two to three years who were living in punitive environments in 1994 scored 39 per cent higher on a scale of aggressive behaviours, such as bullying or being mean to others, than did those in less punitive environments. We are talking about toddlers aged two to three here.

The difference was even more pronounced six years later, in 2000. The same children were examined and continued living in aggressive environments. When the children were eight to nine years old, those who lived in punitive homes scored 83 per cent higher on the aggressive behaviour scale than those in less punitive homes. This means that, following six years of exposure to repetitive violence, only 17 per cent of children had not developed an aggressive behaviour.

What are the outcomes? Here are some of the long-term effects identified by Statistics Canada: aggression, delinquency, crime and poor school results; unemployment in adulthood; and other negative circumstances. In other words, those who start their lives in violence are unable to establish positive relationships with others and to resolve conflicts, and have a hard time developing normally as children.

It is important to note that there was no difference between children living in low-income households and higher-income households. These were toddlers aged two to three who were reassessed later, when they reached ages eight to nine. So, aggressive behaviour in a child is not determined by financial condition, the level of comfort in which he or she lives, but rather by the way the child is treated. That is specifically demonstrated in the study.

More recently, the Centre of Excellence for Child Welfare collected most of the findings found in a number of studies which show the end results of the violence against children. These children tend to inflict violent behaviour on other children. If their parents hit them, chances are they will hit other children. There is also a deterioration of the parent-child relationship. Indeed, how can we build a relationship of trust when we hit our child for anything and everything?

The more serious consequences of corporal punishment are depression, sadness, anxiety and despair among children. These children must be taken care of, because they feel abandoned by parents who are supposed to love them, and they develop behaviours that may lead to suicide. It is difficult for these children to learn to behave normally with their father and show empathy for others.

There are other antisocial behaviours. The study shows that, in addition to delinquency, intimidation, taxing in schools and lies, there is also a lack of remorse, because with children who receive corporal punishment, violence is a normal way to settle disputes.

In conclusion, we conducted important research on all the studies that were published. The last or second to last report published is the Joint Statement on Physical Punishment of Children and Youth. This report was released following a national conference held in Ottawa, in September 2004, and in which about one hundred organizations participated. I will read the conclusion reached by experts, psychologists, pediatricians, social workers and people who work with children across the country. Their conclusion is presented on page 17 and reads as follows:

[English]

Physical punishment has been consistently to be an effective and potentially harmful method of managing children's behaviour. It places them at risk of physical injury and interferes with parents' and caregivers' goals of healthy psychological adjustment, socialization, moral internalization, non-violence, and positive adult-child relationships. Its use is a violation of children's right to physical integrity and dignity.

In order to reduce the prevalence of physical punishment of children and youth, three broad national initiatives must be undertaken.

[Translation]

I fully endorse this view and I would like to elaborate on it with my colleagues.

[English]

First, public awareness campaigns must deliver a clear message consistently and persistently that hurting children as punishment is unacceptable and places them at risk of physical and psychological harm. Second, public education strategies must be launched to increase Canadians' knowledge of child development and effective parenting, and existing parent programs supported. Third, the Criminal Code of Canada must provide the same protection to children from physical assault as it gives to adults, and the Government of Canada must meet its obligation under the United Nations Convention on the Rights of the Child.

• (1700)

[Translation]

It is in this spirit that the bill was introduced. I would also like to thank a number of groups. First, a letter was published in *The Globe and Mail*. Then, 48 associations wrote to the Prime Minister asking him to abolish section 43. These associations are composed of competent people working in this field.

I want to thank my staff, particularly Doris Berthiaume, a young lawyer who is expecting a baby; the research staff at the Library of Parliament, Julie Cools and Wade Raaflaub; the people at CHEO, who organized this conference in Ottawa; Coalition 43 under the able guidance of Corinne Robertshaw.

I also want to thank individuals representing very important professions, including Robin Walker, a professor and medical doctor who is president of the Canadian Paediatric Society, an association that unanimously recommends repealing this section of the Criminal Code.

On behalf of the 145 Canadian organizations and 16 major researchers and men of science supporting this measure, and on my own behalf, I invite the honourable senators to adopt this bill.

Before I conclude, I want to point out that it is recommended in the bill that there be one year between Royal Assent and coming into force. In the meantime, it is recommended that there be an awareness campaign. This would be a national awareness campaign, running for 12 months, with the provinces and the organizations that supported this measure.

On motion of Senator Stratton, debate adjourned.

[English]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT KITCHENER—WILMOT—WELLESLEY—WOOLWICH

SECOND READING

Hon. Terry M. Mercer moved the second reading of Bill C-302, to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich.—(*Honourable Senator Rempel, P.C.*)

He said: Honourable senators, I am pleased to sponsor and to open second reading debate on Bill C-302, to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich. That alone should tell you why it needs to be changed.

After each 10 years, a census is taken in Canada, and electoral boundary commissions are set up in each province to examine the electoral boundaries for federal representation in the House of Commons. The work of these commissions resulted in a new representation order that was proclaimed on August 25, 2003. The Federal Electoral Boundaries Commission held its hearings for the federal riding of Waterloo—Wellington. Under the process of redistribution, it was decided that the riding was to lose Wellington county. The western part of Wellington county went into the riding of Perth—Wellington, and the eastern part of Wellington riding became part of the riding of Wellington—Halton Hills.

Under redistribution, part of the former Cambridge riding and part of the Kitchener Centre riding were added to the old riding of Waterloo—Wellington. With the addition of the city of Kitchener

and the increase in population, it was deemed that there was enough of a population base to create a new riding solely within the region of Waterloo.

This riding includes the south end of the city of Kitchener and the townships of Wilmot, Wellesley and Woolwich. The Federal Electoral Boundary Commission, in its wisdom, called the new riding Kitchener—Conestoga, after a village in the riding named Conestoga, and also the river of Conestoga which flows through the riding, but probably most important, after the Conestoga wagon, which were the wagons that brought Mennonites from Pennsylvania to this region of southwestern Ontario. It is historic that this name be brought back into the public light. Subsequently, the federal election of 2004 was fought on the new riding boundaries under the name of Kitchener—Conestoga.

The name of the riding Kitchener—Conestoga was changed to Kitchener—Wilmot—Wellesley—Woolwich under Bill C-20, which came into effect on September 1, 2004, after the election. During the deliberations of the commission, there was a suggestion that, instead of calling the riding Kitchener—Conestoga, that the name Kitchener—Wilmot—Wellesley—Woolwich be considered as the riding name. This, however, was rejected by all concerned. It was determined to leave the name as Kitchener—Conestoga, and all parties believed this was the case. However, a mistake was made. The name was changed, and we are being asked to fix this oversight.

This private member's bill that was put forward by my honourable colleague from the other place Mr. Lynn Myers, MP, seeks to redress the error. The desire is to revert to the original name, Kitchener—Conestoga.

In conclusion, it is worthy to note that this bill, by the unanimous consent of all parties, passed through all stages in the other place quickly and without amendment.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, may I ask Senator Mercer a couple of questions?

Senator Mercer: Yes.

Senator Stratton: I want to be clear: Kitchener—Conestoga is a historic name. It represents the wagon, the river and the town. Why in the world was it changed to Kitchener—Wilmot—Wellesley—Woolwich? Does the honourable senator know where that idea came from?

Senator Mercer: In looking at the map of the riding, I see regions in the riding known as Wilmot, Wellesley and Woolwich. Two suggestions were made at the time — that the riding be known by the long unpronounceable name or the rather historic and symbolic name. It was thought by all concerned that it was agreed that it should be called Kitchener—Conestoga. However, that is not the name that was in the bill that was passed by both houses. It was an oversight by members of both Houses.

Senator Stratton: Honourable senators, I believe in brevity in the names of constituencies, so I fully support a riding being known by two names rather than five or six.

Hon. Senators: Question!

Hon. Serge Joyal: Will the honourable senator entertain another question?

In the past, the Standing Senate Committee on Legal and Constitutional Affairs has repeatedly taken the same stand over changes of name. That dates back five years, if I remember correctly. In reporting such bills, the committee has established clearly the procedure that should be followed. Those observations came after the testimony of the Chief Electoral Officer. That process, as outlined by the committee seems to be as pertinent today as when it was first expressed and then repeated in the last report. The last report, if my memory serves me correctly, was made approximately two years ago. Did the honourable senator pay any attention to the observations in that report when introducing the bill today?

• (1710)

Senator Mercer: Of course, honourable senators, I pay attention to all reports of all Senate committees as they come out. In my previous life prior to appointment to this place, I, too, was critical of the name changes because they seemed to get more complicated. I was happy to support this one because this was not a complication but a simplification that corrects an honest oversight by all concerned.

My colleague, the member for Kitchener—Conestoga, has consulted with the other political parties in his riding to ensure they understand the force behind this change. Indeed, he has a letter from one of his former opponents supporting this effort, because it was everyone's understanding that that was the name they ran under. It was a brand new name then, and it seems logical if you have a brand new name for an election that you do not change it before the ink is dry on the writ.

Senator Joyal: I do not have the report in front of me, and I apologize for that, but the main reason underlying the report is that when there is a change, there should be a process. That process should be under the management of the Chief Electoral Officer to ensure that all those concerned with the name change have an opportunity to voice their concerns, and that there is proper arbitration in a timely fashion after the census results have been published and, of course, the Electoral Boundaries Commission has reported its suggestions and conclusions.

I do not want to pronounce that the name Kitchener—Conestoga is better than having five names. My concern is that the nature of the process should be followed for any change of given names.

Senator Mercer: I think the honourable senator's point is correct, but this process has been followed and everyone assumed we had reached the same conclusion, that we would have the name Kitchener—Conestoga. However, when the bill moved through the other place, the change that everyone assumed had happened had not happened. The consultative process that has taken place and agreement was reached by all concerned. I think the process has been followed; it was followed and a mistake was made. We are being asked to fix that mistake today so that name stays the way everyone had agreed to in the first place.

Hon. Noël A. Kinsella (Leader of the Opposition): My question to the honourable senator is motivated by his use of the expression "the process has followed its course." The process I was interested in is the process in Parliament. I was interested to learn about the argumentation used in the other place in support of the bill, so I looked at the Commons debates.

On November 29, the only thing that is recorded is that the bill was introduced, received first reading and was ordered to be printed. Then I looked to see whether I could get more information about the progress of the bill. Lo and behold, on Thursday, December 2, the bill was moved and deemed to be read the second time, referred to Committee of the Whole, reported without amendments and given third reading. That is all that the record says. We do not get much information as to why this is a good bill from the fulsome debate that took place in the other place. My question to the honourable senator is will he ensure that we will have a more fulsome debate of this bill in committee and, if necessary, at third reading?

Senator Mercer: Honourable senators, if you read the Hansard from this chamber following this debate, you will have a much broader explanation of the bill than was given to the other place. We have started along that road. When the bill is referred to committee, I can assure honourable senators that we will have a full discussion if that is what my colleagues on the committee so desire.

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Mercer, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Adams, for adoption of the first report of the Standing Joint Committee on the Library of Parliament (mandate and quorum) presented in the Senate on November 24, 2004.—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I will take a few minutes to address the first report of the Standing Joint Committee on the Library of Parliament, and to answer some of the questions posed when I first moved its adoption.

I will add that all of this has become clearer to me, but the honourable senator who asked the question is not here today, so I am sure he will read the proceedings.

The report of November 24, 2004, was a routine report submitted by the committee at the beginning of each session, serving three functions. First, it sets out the committee's mandate; second, it sets out the committee's quorum; and finally, it seeks the permission of the Senate to meet while the Senate is in session. I will speak briefly to each of these items in turn.

With respect to the committee's mandate, the report clarifies that the committee's role is serve as an advisory function in assisting the Speakers of both chambers in the direction of the library and, I might add, such other matters as may be presented to it from time to time with regard to the Library of Parliament. The *Rules of the Senate* and the *Standing Orders of the House of Commons* are silent on the question of quorum. However, the 6th edition of *Beauchesne's Parliamentary Rules & Forms* indicates in citation 806 that:

In the case of joint committees the quorum is established by the House in consultation with the Senate for each joint committee.

It goes on to point out in citation 809 that in the absence of an explicit decision by both Houses:

...a joint committee cannot transact business until a quorum of the members appointed by each of the House and the Senate is present.

When he spoke to this report, Senator Corbin had inquired about the makeup of this committee. In total, there are 17 members, with five representing the Senate and 12 representing the House of Commons. I have the names here if anyone wishes me to list them. Consequently, without the adoption of this report, our committee cannot conduct business until at least three senators and seven members of the House of Commons are present, for a total of 10. Our request serves to facilitate our work by seeking a more manageable quorum, and our request is in line with previous sessions.

The November 24 report of the committee stated:

Your committee recommends that its quorum be fixed at seven (7) members, provided that both Houses are represented, including a member from the opposition and a member from the government, whenever a vote, resolution or other decision is taken, and that the Joint Chairs be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least four (4) members are present, including a member from the opposition and a member from the government.

Senator Corbin also asked why only five senators had been named to the committee and not the 17 indicated in the rules. Unfortunately, I am not sure what the answer is to this, and perhaps the honourable senator can direct his question to the

Chair of the Committee of Selection, who may be in a better position to answer. However, the number of senators appointed by the Selection Committee in this session is in keeping with the practice in recent sessions.

• (1720)

I should like to speak to our request for permission to sit while the Senate is sitting. As all honourable senators know, this power is normally given to committees only in extreme circumstances. However, it is a power that has often been given to joint committees at the start of each session.

Senator Corbin spoke of the difficulties that he has had in scheduling meetings of the Official Languages Committee due to the time slot provided. I am sympathetic and hope for a resolution, but I would ask Senator Corbin to consider how much more difficult the situation would be if he had to account for the schedules of all the committees in the House of Commons and the committees of this place. We require as much freedom as possible in scheduling our committee meetings, which meetings are infrequent. This power has been given to the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations for that same reason.

I can only reiterate that this is a routine report and nothing that we have asked for is new. While it is true that some of these requests depart from the norm for the operation of standing senate committees, joint committees are, by definition, distinct. We are asking the Senate to recognize the challenges we face and to adopt this report, so that we can begin our work in earnest.

[Translation]

Hon. Jean Lapointe: Honourable senators, with all due respect to the co-chair, I am on this committee in order to advance files. I must say that with four meetings a year, not much gets done and, in my view, this is a committee that is dormant. There are so many things this committee should be doing. Quite honestly, I am completely dumbfounded by what goes on. A short meeting was held. It was over quickly.

In the near future, I will make a public statement on this committee. I have forgotten the name of the co-chair. You are the co-chair from the Senate. When I remember the name of the other chair, that person will certainly remember my name. Rest assured.

Senator Trenholme Counsell: Honourable senators, I am sorry we have not had a meeting recently. We have made several attempts, but it is very difficult to coordinate with both chambers. The presence of Senator Lapointe will be very good because we could have more discussions at our meetings. I hope we will accomplish more than we have over the past few years. I hope you will submit your opinions and give your advice at this committee and that you will continue to be a member.

[English]

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I request leave to revert to Item No. 2 under Commons Public Bills.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

BILL TO CHANGE NAME OF ELECTORAL DISTRICT BATTLE RIVER

SECOND READING

Leave having been given to revert to Commons Public Bills:

Hon. Noël A. Kinsella (Leader of the Opposition) moved the second reading of Bill C-304, to change the name of the electoral district of Battle River.—(*Honourable Senator Rompkey, P.C.*)

He said: Honourable senators, Bill C-304 is also to correct what effectively was a clerical error in the representation order declared in force by proclamation of August 25, 2003. The purpose of the bill, affecting a riding in the Province of Alberta, is to change the name of Battle River to the name of Westlock—Saint Paul. That had been agreed to but was not entered into the proper documentation at the time. We support Bill C-304, and it should be dealt with in the same manner as previous bills to change electoral district names and be considered by the committee. In principle, we support this bill at second reading.

Hon. Serge Joyal: Honourable senators, to be fair to Senator Mercer — and I understand that the Honourable Leader of the Opposition will concur — I would express to Senator Kinsella the same comments that I made to Senator Mercer.

Senator Kinsella: Honourable senators, for the record, I accept the observation and interventions that were made on that bill. I hope that the committee to which this bill will ultimately be referred for detailed study and clause-by-clause consideration will attend to that.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read the second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of October 7, 2004:

That she will call the attention of the Senate to the present inequities of the Veterans Independence Program.

She said: Honourable senators, I have had this inquiry on the *Order Paper and Notice Paper* since October 7. It concerns the inequities of the Veterans Independence Program. Since October 7 I have had many discussions with the minister and officials in the Department of Veterans Affairs. I am happy to inform the Senate that the Minister of Veterans Affairs announced today that the inequities of the Veterans Independence Program have been corrected.

I would congratulate the minister for making this matter a priority and for ensuring that veterans' spouses across the country are treated fairly and equally. This enhancement will ensure that the primary caregiver is not cut off from services upon which he or she has become dependent.

This announcement today by the minister means that the VIP will be expanded so that all surviving spouses, or other primary caregivers, will continue to receive the VIP housekeeping and/or grounds keeping services, if these services were provided to the veteran at the time of death or admission to a long-term care facility. Eligibility for this program will no longer depend on the date on which a veteran passed away or on the date on which a veteran entered a long-term care facility. Benefits will be continued for as long as they are required, for health reasons, to remain independent at home.

This further expansion of the VIP has the potential to impact about 4,000 Canadian widows, widowers and caregivers — the people who gave so much to our veterans. It will assist them to remain healthy and independent in their own homes and communities.

• (1730)

Again, I congratulate the minister on this welcome news and invite all honourable senators to do the same.

On motion of Senator Stratton, debate adjourned.

PUBLICLY FUNDED POST-SECONDARY EDUCATION

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of November 18, 2004:

That she will call the attention of the Senate to the merits of establishing a universal publicly-funded system of post-secondary education in Canada as a national social and economic program, and to the adoption of federal legislation setting out the mission, role, and responsibilities of the government with respect to post-secondary education.

She said: Honourable senators, the greatness of a nation can be measured in differing ways. By most standards, Canada is a great nation. We have achieved so many remarkable things together. We have a diverse and vibrant economy fuelled by an abundance of natural and human resources. Canadian values of tolerance and social fairness and equity, our commitment to human rights and our consistent preference of international diplomacy and peace over war have made us a highly respected nation throughout the world. We have also built unique political and social institutions like universal medicare and income security that have served to define us as a people. Yet, there is one important national achievement that has so far eluded us, one measure of greatness where I believe we continue to fall short.

To this point in our history, honourable senators, we have not as yet evolved a national system of higher education which guarantees equal access to all Canadians, regardless of their financial ability and circumstances. Over the past decade, federal government investment in post-secondary education has fallen steadily and significantly, with universities and colleges having no choice but to pass on the shortfalls to their students and their families in the form of increased tuition and other costs. Student indebtedness has soared over this period.

The purpose of my inquiry is to help make honourable senators aware of the challenges and opportunities facing higher education in Canada and, hopefully, to begin a national debate on this most important social and economic policy issue.

As some of my colleagues will know, the Senate is not a newcomer to this area. In 1997, the study of the Special Senate Committee on Post-Secondary Education made wide-ranging recommendations and continues to be an excellent reference. That special committee was chaired by my friend and political colleague from Prince Edward Island, the Honourable M. Lorne Bonnell.

I believe that it is time for the Senate to take up post-secondary education once again as a priority area for study and consultation. I believe that it is time to consider new options and approaches to create a new framework of support for higher education in Canada.

Unquestionably, there is a crisis of access and affordability in our present system of higher education, driven by a decade of steep increases in tuition fees and other related university costs,

coupled with relatively slow wage growth. Statistics Canada reports that average undergraduate tuition increased 135.4 per cent from 1990-1991 to 2000-01. That increase is over six times faster than inflation. As a result, more and more students who are interested in and capable of attending university or college are simply unable to do so or have decided that it is just too great a financial risk.

In 1990, it would have taken roughly 137 hours of work at the average industrial wage to cover the cost of one year of undergraduate arts tuition. By 2003, that figure had jumped to over 221 hours of work, or by more than 61 per cent. The figures are even more dramatic for professional programs. Currently, Canada is one of the highest tuition fee nations in the industrialized world, just behind Japan and the United States.

The Canadian Association of University Teachers, CAUT, contends that "the cost of tuition is less affordable today than at any time in the post-war period and is approaching an all-time historical high." The association believes that Canada's universities are "in danger of returning to their elitist roots as costs continue to spiral out of control..."

Recent national statistics do show Canada as having one of the highest rates of participation in higher education in the developed world. However, since 1991, and coincident with the rise in tuition fees, there has been a flattening in the overall participation rate or total enrolment in bachelor degree programs, and a dramatic fall in the part-time participation rate. The only group that made steady gains in university participation rates through the 1990s consisted of young Canadians aged 18 to 24 from families with the lowest incomes. This is a positive development, honourable senators. However, individuals from lower-income backgrounds are still 2.5 times less likely to attend university than those from higher-income backgrounds, and financial barriers continue to play a large part in deterring many young Canadians from pursuing post-secondary education.

The present government, to its credit, has introduced several measures to help alleviate this inequity, most notably a grant program directed at first-year university students with low-income backgrounds, increased Canada Student Loan limits, and Bill C-5, the Education Savings Act.

Bill C-5, the Education Savings Act, which is now before Parliament, has been sharply criticized by students, faculty and anti-poverty groups. It presumes that low-income families have the ability to save for the future education of their children when most do not. "The poor are not saving, not because they lack the motivation or incentive," says David Robinson of the Canadian Association of University Teachers, "but because they lack the resources." He contends that government, through such initiatives is only "tinkering around the edges of the real problem."

I agree with him. Limited grant assistance, ill-conceived savings programs and increased student borrowing will not effectively overcome the structural inequities that I believe exist in our present post-secondary system.

Over the past decade, financial cash transfer payments to the provinces for higher education were reduced severely and, in turn, provincial government grants to our universities dwindled. Forced to pursue other sources of revenue, universities increased tuition fees and have relied more heavily upon private research contracts, donations and endowments. One result is that the Canadian university is becoming less a public institution accountable to the public interest and more of a private institution.

It is extremely important to point out, honourable senators, that Canadians did not choose this funding path for post-secondary education. No government campaigned on or received a political mandate to bring about such a change. Instead, we drifted on to our new course as a result of budget cutbacks and deficit reduction certainly, but also because other national priorities like health care dominated the radar screen and provincial jurisdictional authority made it easy for the federal government to neglect or shirk its financial responsibility to higher education.

• (1740)

Honourable senators, if there is one innocent party in this retreat of the federal government from funding higher education, it is the student. Thousands of young Canadians who do attend university are obliged to borrow heavily, and upon graduation from a four-year degree program, they will be saddled with an estimated accumulated debt of between \$25,000 and \$30,000. This is unacceptable, in my view, in a leading G8 country that seriously wants to ensure its social and economic future.

Two weeks ago, both of our national student organizations held meetings here in Ottawa. At the top of their agendas, of course, was skyrocketing student borrowing and indebtedness. To make their point, the Canadian Federation of Students used a digital debt clock showing the cumulative debt of students across the country in real time. The debt clock stood at \$10.5 billion just two weeks ago, not including the 40 per cent provincial portion or annual interest charges which this year alone totalled an additional \$231 million.

These numbers are staggering, and if there is any more graphic evidence of our failure as a nation to adequately support post-secondary education and to help realize the dreams and aspirations of young Canadians, I do not know what it could possibly be.

We have created a new class in our society, the studying poor, young Canadians who are forced to mortgage their own futures in order to acquire the knowledge and skills necessary to enter the labour market and contribute to the development of their country. For those graduating students fortunate enough to find employment, student debt is an albatross. It limits consumer spending and prevents many from taking up future educational opportunities.

Honourable senators, there are other approaches to financing and making available post-secondary education. In Europe, where our own cultural and philosophical roots exist to a marked degree, several countries have even enshrined the principle of universal access to post-secondary education in

their constitutions, making it a basic right for all citizens. Universities in Germany, Denmark, Sweden, Iceland, Ireland, Norway, Wales and Scotland charge little or no tuition fees at all. Tuition fees at public institutions in France were the equivalent of just U.S. \$124 in the 2000-01 academic year. England enjoyed universal free access to basic post-secondary education for decades. However, limited tuition fees have been introduced in recent years under the pressure of growing enrolments and budget deficits.

However, it is the Irish model that perhaps deserves to be looked at most carefully because it is an example of a nation strategically deciding to invest publicly in a fully accessible and affordable post-secondary system for broad social and economic reasons. In the mid 1990s, Ireland began a massive program of economic renewal, and at the centre of that renewal was a political decision to reform the education system, including the implementation in 1995 of a free tuition policy for third-level undergraduate studies. Under this policy, the Irish exchequer pays all tuition fees to the university on behalf of students registered for full-time undergraduate degree programs of a minimum two-years' duration. Most students are also eligible for a local authority grant to defray the cost of student services fees. The only condition of entitlement is that a student be an EU national.

In Ireland, honourable senators, every student with the interest and the academic qualifications, regardless of financial capabilities, has access to basic post-secondary education. The Irish economy experienced an unprecedented period of growth beginning in the early 1990s and both economists and political leaders credit much of this increase in GDP and ensuing prosperity to reforms made in education, in particular the removal of financial barriers to post-secondary degrees.

Today, there are more than 100,000 students in third-level universities and colleges, and education has become the engine of Ireland's knowledge-based economy. It is also one of the biggest selling points with potential foreign investors. Over half of Ireland's young people pursue training or education beyond highschool.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that her time has expired. Does the honourable senator seek leave to conclude?

Senator Hubley: I would ask for more time.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Hubley: Honourable senators, over half of Ireland's young people pursue training or education beyond high school and about 50 per cent of these take degree-level programs. The Irish "economic miracle" is a tale of enterprise and imaginative planning and of one country's commitment to higher education for all.

Speaking recently at a conference of the Council of Europe in Dublin, the Irish Taoiseach, or Prime Minister, said:

I think the case of investment of education in Ireland is a shining example of how investment in social development can reinforce economic goals, which in turn enables social objectives to be attained. Ireland has stopped putting the cart before the horse.

Here in Canada, honourable senators, we need to do the same. The time is right for change. The time is right to restore higher education in Canada as a strategic social and economic priority of the federal government. An October Decima teleVox poll commissioned by the Canadian Association of University Teachers seems to agree. When asked what the next priority for the federal government should be following the recently negotiated health care accord, 23 per cent of respondents identified reducing poverty and unemployment, while 22 per cent said making post-secondary education more affordable should be the next priority.

Only 17 per cent of Canadians identified lowering taxes and 12 per cent identified paying down the debt. The least popular priorities were the environment, at 8 per cent, military spending, at 7 per cent, and child care at 7 per cent. Of households with children, 25 per cent chose making post-secondary education more affordable as the highest priority.

Other results of the Decima teleVox poll are just as compelling. For instance, more than half of Canadians believe that the federal government should provide a free university or college education to any qualified student who cannot afford it. Support for such an initiative is highest in Atlantic Canada and Quebec. Similarly, more than half of those surveyed believe that every qualified student should be guaranteed a place at a university or college even if that means more tax money needs to be spent on higher education, while nearly two out of three Canadians say that university and college tuitions are too high.

On the issue of access, seven out of 10 respondents say that low-income Canadians have less chance of getting a post-secondary education. Most Canadians also believe the best way for the federal government to make a college or university education more affordable is to increase funding to institutions so that tuition fees can be lowered, as opposed to giving students and their families more tax breaks and incentives to save for their education.

Honourable senators, this Decima teleVox opinion poll is strong evidence that Canadians want their federal government to reinvest in post-secondary education as an immediate national priority. However, before reinvesting, before we tinker further with the machine, I strongly believe that a full national discussion needs to take place on the effectiveness and suitability of the machine itself and on the need for more fundamental reforms.

• (1750)

We need to re-examine our social values as a nation and ask some basic questions about the nature of public education in this new 21st century.

In 1851, honourable senators, my province of Prince Edward Island, then a fledgling colonial society, adopted a piece of legislation called the Free Education Act and put in place one of the first public schooling system in British North America.

The General Assembly of the United Nations in 1948 adopted the principle of the right to education, generally expressed as the right to free basic education. In 1948 completion of grade 12 was considered basic education, allowing individuals to enter the labour market with adequate employment prospects and sufficient earning capacity. We have made basic education free and universally available as a justifiable and economically sound investment in human capital.

Half a century after the UN declaration and in the wake of tremendous change throughout our economy, including revolutionary shifts in labour demands, grade 12 can no longer be regarded as basic education. A bachelor's degree is an excellent learning experience and preparation for more advanced academic and professional training, but it hardly can be viewed as a reliable ticket into the labour market. I strongly believe that we need to adjust our thinking and change the definition of basic public education in Canada to mean the completion of a first undergraduate degree at university or the acquiring of specific technical skills at the college level. If we are prepared to change the definition and threshold of basic public education, then of course we must also be willing to publicly support it and make it available to everyone as a basic right.

Canada does not have to mirror the American system of higher education where per-student costs are extremely high, most institutions are under-subsidized and tuition-dependent, and access is denied to many. We can look across the Atlantic to Europe for other models, other systems in which post-secondary education is viewed as basic public education and the state has a central and strategic role to play.

Some innovative and compelling ideas have been put forward in our own country, including the establishment of a dedicated fiscal transfer for post-secondary education separate from the existing CHST.

In its September 2004 presentation to the House of Commons Standing Committee on Finance, the Canadian Federation of Students recommended scrapping the Millennium Scholarship Foundation, the Registered Education Savings Plans and the related Canadian Education Savings Grants and Learning Bonds in favour of a national system of needs-based grants.

The Canadian Association of University Teachers is the voice of some 35,000 teachers, librarians, researchers and other academic professionals. It believes the federal government must play a stronger role in funding post-secondary education and in 1985 recommended the adoption of a Canadian post-secondary education act analogous to the Canada Health Act. This federal legislation would "reform present federal-provincial fiscal arrangements" and "establish a set of national principles" for post-secondary education.

There is a growing consensus that major reforms to our post-secondary education system are necessary and long overdue. What reforms we ultimately decide upon as a nation, what new funding or governance arrangements we put in place of course will depend on our ability and political willingness to forge a new federal-provincial agreement. The recent health accord I believe is proof that when there is a truly national purpose or goal, Canada can be made to work for all Canadians, regardless of where they live.

It is my own personal view that we should work toward the adoption of a national program of free tuition and universally accessible post-secondary education. It is a grand project, possibly the most important change Canada could make in its social policy landscape at the beginning of this century, a change that would go far in securing our economic future, but that is only my view.

Honourable senators, we need to have a full national discussion on post-secondary education. We need to think creatively and with inspiration. We need to be willing to explore new ideas and new approaches freely and in a non-partisan manner.

Education reformers come in all political shapes and sizes. Faced with low participation rates and poor academic achievements levels, the former Democratic Governor of Georgia, Zell Miller, decided in 1993 to take action. Georgia's HOPE scholarship and grant program, funded entirely by a special state lottery, pays the tuition costs of any student able to gain entrance to university or college. One result in the public colleges there has been to drive up the average SAT scores and grade point averages of the system as a whole and put Georgia in the top grouping of states nationally. Brave and bold and far-sighted solutions exist if we are willing to consider them.

In closing my remarks, I want to recognize my colleague Senator Callbeck and thank her also for initiating debate on this important issue. Perhaps together, honourable senators, we can move the agenda forward in the weeks and months to come.

On motion of Senator LeBreton, for Senator Stratton, debate adjourned.

The Senate adjourned until Wednesday, December 8, 2004, at 1:30 p.m.

CONTENTS

Tuesday, December 7, 2004

	PAGE		PAGE
SENATORS' STATEMENTS		QUESTION PERIOD	
National Day of Remembrance and Action on Violence Against Women		Finance	
Fifteenth Anniversary of Tragedy at l'École Polytechnique.		Guidelines on Bank Mergers.	
Hon. Lucie Pépin	407	Hon. W. David Angus	411
Hon. Marjory LeBreton	407	Hon. Jack Austin	411
Hon. Joyce Fairbairn	407	Canadian Broadcasting Corporation	
Prince Edward Island		Ukraine—Radio Canada International Cutbacks.	
New Maritime Beef Processing Facility.		Hon. A. Raynell Andreychuk	411
Hon. Catherine S. Callbeck	408	Hon. Jack Austin	412
Environment		Foreign Affairs	
Coreal Forest on Manitoba-Ontario Border as Proposed World Heritage Site.		Ukraine—Selection Process of Election Monitors.	
Hon. Mira Spivak	408	Hon. A. Raynell Andreychuk	412
La Francophonie		Hon. Jack Austin	412
Summit in Burkina Faso.		Environment	
Hon. Maria Chaput	409	Kyoto Accord Commitments.	
Visitors in the Gallery		Hon. Leonard J. Gustafson	412
Hon. the Speaker <i>pro tempore</i>	409	Hon. Jack Austin	412
<hr/>		Citizenship and Immigration	
ROUTINE PROCEEDINGS		Extension of Visa of Bondarenko Family.	
Treasury Board		Hon. Wilfred P. Moore	413
2004 Annual Report Tabled.		Hon. Jack Austin	413
Hon. Bill Rompkey	409	Agriculture and Agri-Food	
The Estimates, 2004-05		Bovine Spongiform Encephalopathy—Effect on Cattle Industry.	
Report of National Finance Committee on Supplementary Estimates (A) Presented.		Hon. David Tkachuk	413
Hon. Donald H. Oliver	409	Hon. Jack Austin	413
Study on National Security Policy		Citizenship and Immigration	
Report of National Security and Defence Committee Tabled.		Minister's Election Campaign—Request to Step Down.	
Hon. Colin Kenny	410	Hon. Marjory LeBreton	413
Foreign Affairs		Hon. Jack Austin	414
Notice of Motion to Authorize Committee to Study Matters Relating to Africa.		Health	
Hon. Peter A. Stollery	410	Drug Safety Standards—Cross-Border Sales.	
Energy, the Environment and Natural Resources		Hon. Wilbert J. Keon	414
Committee Authorized to Meet During Sitting of the Senate.		Hon. Jack Austin	414
Hon. Tommy Banks	410	Foreign Affairs	
Hon. Terry Stratton	410	International Atomic Energy Agency—	
The Senate		Cutback of Funds for Verification Purposes.	
Notice of Motion to Urge Government to Reduce Certain Revenues and Target Portion of Goods and Services Tax Revenue for Debt Reduction.		Hon. J. Michael Forrestall	414
Hon. Noël A. Kinsella	410	Hon. Jack Austin	414
Access to Census Information		Delayed Answers to Oral Questions	
Presentation of Petitions.		Hon. Bill Rompkey	415
Hon. Lorna Milne	410	Citizenship and Immigration	
<hr/>		Allegations of Political Interference by Minister—	
		Investigation by Ethics Commissioner.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answer)	415
		Refugee Claim by Mr. Ernst Zundel—Cost to Government.	
		Question by Senator Tkachuk.	
		Hon. Bill Rompkey (Delayed Answer)	415
		Health	
		Auditor General's Report—Federal Drug Benefit Programs—	
		Unsafe Usage of Prescription Drugs.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answer)	415

Canada United-States Relations

Resolution of Trade Issues—Policy for Cabinet Ministers in Representing Government. Question by Senator Tkachuk.	
Hon. Bill Rompkey (Delayed Answer)	417

Point of Order

Hon. David Tkachuk	417
Hon. Jack Austin	418
Hon. Noël A. Kinsella	418
Hon. Anne C. Cools	418
Hon. Terry Stratton	419
Hon. Sharon Carstairs	420

ORDERS OF THE DAY**Parks Canada Agency Act (Bill C-7)**

Bill to Amend—Second Reading—Order Stands.	
Hon. Noël A. Kinsella	420
Hon. Anne C. Cools	420
Hon. Tommy Banks	420

Department of Public Safety and Emergency Preparedness Bill (Bill C-6)

Second Reading.	
Hon. Anne C. Cools	421
Hon. Tommy Banks	426
Referred to Committee.	
Hon. Tommy Banks	427
Hon. Bill Rompkey	427

Canada Education Savings Bill (Bill C-5)

First Reading	428
-------------------------	-----

The Tlicho Land Claims and Self-Government Bill (Bill C-14)

First Reading	428
-------------------------	-----

Criminal Code (Bill S-19)

Bill to Amend—Second Reading.	
Hon. Catherine S. Callbeck	429
Hon. Madeleine Plamondon	429
Referred to Committee	429

Criminal Code (Bill S-21)

Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Céline Hervieux-Payette	429

Bill to Change Name of Electoral District Kitchener—Wilmot—Wellesley—Woolwich (Bill C-302)

Second Reading.	
Hon. Terry M. Mercer	433
Hon. Terry Stratton	433
Hon. Serge Joyal	434
Hon. Noël A. Kinsella	434
Referred to Committee	434

Library of Parliament

First Report of Joint Committee Adopted.	
Hon. Marilyn Trenholme Counsell	434
Hon. Jean Lapointe	435

Business of the Senate

Hon. Bill Rompkey	436
-----------------------------	-----

Bill to Change Name of Electoral District Battle River (Bill C-304)

Second Reading.	
Hon. Noël A. Kinsella	436
Hon. Serge Joyal	436
Referred to Committee	436

Inequities of Veterans Independence Program

Inquiry—Debate Adjourned.	
Hon. Catherine S. Callbeck	436

Publicly Funded Post-Secondary Education

Inquiry—Debate Adjourned.	
Hon. Elizabeth Hubley	437



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 24

OFFICIAL REPORT
(HANSARD)

Wednesday, December 8, 2004

—
THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Elizabeth Hubley: Honourable senators, yesterday when I was presenting my inquiry on post-secondary education, I inadvertently missed reading a page of my prepared text. I would like to read that page into the record and request unanimous consent to do so.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Hubley: Thank you, honourable senators.

I would like to read the preceding sentence, and then I will read the page that I missed.

To this point in our history, honourable senators, we have not as yet evolved a national system of higher education which guarantees equal access to all Canadians, regardless of their financial ability and circumstances. We have excellent universities and colleges in every region of the country, distinguished professors and researchers and academically gifted young Canadians who possess the highest ideals and a desire to contribute toward the future development of our country.

However, our present system of higher education, honourable senators, is disparate and inequitable and desperately in need of fundamental reform. As a nation, we have failed to articulate a collective vision for higher education. We have failed to set out guiding principles and goals.

Successive federal governments have maintained a primarily indirect support role through fiscal transfers to the provinces, research and development funding for universities, the Canada Student Loans Program, as well as other limited scholarship, grant and savings initiatives. While this is the safe and traditional federal role, one that respects the jurisdictional primacy of the provinces in education, it is also a role that I believe lacks strength and vision.

One result has been that over the past decade, federal government investment in post-secondary education has fallen steadily and significantly, with universities and colleges having no choice but to pass on the shortfalls to students and their families in the form of increased tuition and other costs. Student indebtedness has soared over this period.

THE SENATE

Wednesday, December 8, 2004

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

The Hon. the Speaker *pro tempore*: Honourable senators, I received a notice earlier today from the Leader of the Government in the Senate who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Herbert O. Sparrow who will retire from the Senate on January 4, 2005.

I remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and he or she may speak only once. We will continue our tribute to Senator Sparrow under Senators' Statements, and Senator Sparrow will hold his comments until the end of Senators' Statements. We will, therefore, have 30 minutes, not including the time allotted for Senator Sparrow's response.

Is that agreed?

Hon. Senators: Agreed.

TRIBUTES

THE HONOURABLE HERBERT O. SPARROW

Hon. Jack Austin (Leader of the Government): Honourable senators, as our Speaker *pro tempore* has just said, our colleague the Honourable Herbert O. Sparrow will retire from the Senate on January 4, 2005. He is our dean, having been the longest serving senator in this chamber for a few years. Regretfully, his retirement is not by his own decision, but by the operation of law. He has served in the Senate of Canada for 37 years.

That is not quite a record, Senator Sparrow, but very impressive nonetheless.

Senator Sparrow is the only senator remaining who was summoned to the Senate by the Right Honourable Lester Pearson. He arrived here because he gave great leadership in Saskatchewan to business affairs and to politics. He made key contributions to the Liberal Party in Saskatchewan and in Canada. He was President of the Liberal Party of Saskatchewan during the 1960s, which coincided with the years of Mr. Pearson's government and the provincial government of Ross Thatcher.

Shortly after his appointment to the Senate in 1968, Senator Sparrow joined the Special Senate Committee on Poverty, which was chaired by Senator David Kroll, and he took a characteristically unconventional approach to that task. He

decided to inquire personally into the impact of poverty in the urban areas. He spent a week in areas of Vancouver that certainly reflected the problems that were being studied.

Senator Sparrow has been an active participant in Senate committee work, including being a longstanding member of the committees on National Finance, Foreign Affairs, Transport and Communications, and particularly the Standing Senate Committee on Agriculture and Forestry. It is difficult to overstate the role that Senator Sparrow has played on the Agriculture and Forestry Committee over the more than three decades that he has been in this chamber.

Honourable senators may recall the time, 20 years ago or more, when there was a looming crisis in the farming industry due to a series of droughts that caused extensive soil erosion in the Western provinces. The Senate committee, then called the Standing Senate Committee on Agriculture, Fisheries and Forestry, under Senator Sparrow's leadership, conducted a thorough study of the problem and the ensuing report, *Soil at Risk — Canada's Eroding Future*, held far-reaching implications that ensured the future of farming in Canada. The report was tabled in June, 1984 and 25,000 copies were printed in that first year alone. It is a blockbuster report that, over time, has been requested by people and organizations from every corner of the world. Only recently, given the heavy droughts in Australia, there was a request for 400 copies to be shipped to that country.

Senator Sparrow himself has mentioned that the potential loss to Canada's farmland that would have been occasioned without this crucial report and its guidance has more than offset the costs of running this august chamber. He has even taken on the owners of golf courses in British Columbia, cautioning them against using agricultural land for recreation.

For official purposes, I am saying that I have not decided which side I am on in that debate. Senator Lawson had a clearer view.

Senator Sparrow has received many awards for his work, foremost among them an honorary doctorate from McGill University. He was founder and first president of the Soil Conservation Council of Canada, is an honorary lifetime member of the Agricultural Institute of Canada, and was inducted into the Saskatchewan Agricultural Hall of Fame.

Senator Sparrow's reputation extends internationally. He is a recipient of the United Nations Environmental Leadership Medal Certificate of Distinction for soil conservation and has also received an honorary award from the Soil Conservation Society of America.

The Hon. the Speaker *pro tempore*: I must inform Senator Austin that his time has expired.

• (1340)

Hon. David Tkachuk: Honourable senators, being from Saskatchewan, I had heard of Senator Herbert Sparrow long before I had the privilege of meeting him, although I must say that when I first met him I thought he was Red Skeleton.

My wife and I have friends at Jackfish Lake where Senator Sparrow owns a cottage. At times we would stay overnight with our friends at their cottage which, I understand, had been owned by a gentleman by the name of Joe Young from Saskatoon, who started the first Kentucky Fried Chicken franchises in Saskatchewan. I have slept in the same bed that Colonel Sanders slept in. That is a small connection, and I am stretching it as best I can to show that there was a reason for our friendship.

When you meet someone so late in life you regret the fact that you did not know him at a different time and in a different place because you think that you would have had a lot of fun together.

Senator Sparrow and I got to know each other while flying on airplanes because, by that time Senator Sparrow had made certain political decisions that resulted in him not being a member of many committees. I usually meet Liberals and become friends with them at committees, but Senator Sparrow and I met on airplanes. We got to know each other at the Maple Leaf Lounge in Toronto. Some good does happen in Toronto. We share a lot in common.

As a Senate neophyte, I learned that, by the time I got to know him, he had served in the Senate for decades. I learned at his knee as he educated me on the history of this place. We became involved in the Pearson airport bill. That was a strange combination, Senator Sparrow and me. However, I learned a lot. There is no question that it must have been very difficult for him to vote with our side on November 22, 1995.

Senator Mercer: Not that you remember!

Senator Tkachuk: Senator Sparrow made a decision that we, on this side, saw as a brave decision, because it was a fiercely whipped vote and the pressure must have been immense. He did it once again on Bill C-68, the gun registration bill.

The Hon. the Speaker *pro tempore*: I regret to inform Senator Tkachuk that his time has expired.

Hon. Pana Merchant: Honourable senators, Senator Sparrow has been a valued friend of my family for three generations. When I was appointed to the Senate, he offered me welcomed advice and assistance through the benefit of his long experience. I am particularly grateful to him.

For over 40 years, the senator has played a legendary role in the fortunes of the Saskatchewan Liberal Party. He sought election in 1964, when Ross Thatcher ended the 20-year rein of the CCF-NDP. He ran again in 1967. Recognizing Herb's talents and energy, the premier asked him to assume the presidency of the party. He was a hands-on president. He personally worked in every constituency and sometimes moved for weeks at a time into by-election areas. For many years his contribution was evident at Liberal gatherings. If he was not there himself, his Kentucky Fried Chicken buckets were. They were the collection plates.

What is Senator Sparrow's legacy in the life of our province? This energetic, caring man has received many honours from his own community: Junior Chamber of Commerce Outstanding Man of the Year Award; the Vanier Young Man of the Year Award; and he is a Life Member of the Kinsmen Club. He has served as alderman on the city council of North Battleford, and he was a key player in developing mining and timber interests in the north of our province.

Few outside of the Prairie provinces will fully appreciate the magnitude of the senator's work on soil erosion. In provinces and, in particular Saskatchewan, whose economy through Canada's history has been tied to the land, Senator Sparrow's studies and writings have been of inestimable value and were recognized by an honorary doctorate from McGill University.

Because of the impact of soil erosion on food production in the developing world, the senator's international contribution has been recognized by the UN, which bestowed upon him the Environmental Leadership Medal Certificate of Distinction.

Throughout his remarkable life, the senator has never abandoned the needs of his own city of North Battleford. He has personally sponsored a program that provides a free meal to school children who might otherwise go hungry, and he was the founding chair of the school for retarded children.

Saskatchewan is very proud of Herb Sparrow. I know this house will join with me in wishing our colleague many happy years of retirement as he leaves behind a distinguished career from his 37 years in the chamber.

The Hon. the Speaker *pro tempore*: I regret to inform Senator Merchant that her time has expired.

Hon. Gerry St. Germain: Honourable senators, the past four months since September have not been good months for me. I lost Senator Lawson, my humorous travel partner, confidante and golf partner and now we face the departure of my good friend, Herb. They are both Liberals and both extremely valuable members to this institution and valuable members to my life.

Senator Sparrow, I will not speak to your many accomplishments in this place and your success as a businessman because the record speaks for itself. I should like, instead, to speak to the characteristics that distinguish you as a unique and interesting person. Your sense of humour has been, and I am sure always will be, one characteristic that will keep you in good stead wherever your travels take you. For those of us who participated in Senator Lawson's toast and roast on November 27, we witnessed vintage Herb Sparrow — humorous with a classic degree of refinement that one could share in the company of all audiences. Herb, the feedback from the evening was that your delivery was without a doubt the very best: professional, decent and very well received by that British Columbia audience.

However, my friend, I believe your greatest assets have always been your common sense and good judgment. You have excellent political antenna, and you have always supported the side of logic, whether it was Pearson airport or the gun registry, just to name a couple of issues. You and Senator Lawson, I understand, were the only two who challenged the Charlottetown Accord in this place, obviously reading public opinion well in advance.

Herb, you have a tremendous partner in your long-term marriage to Lois. I hope retirement will not change that because my understanding is that the success of this marriage was based on your not being home too often.

I should like to close by saying that you are, sir, a class act. You have been a good friend and you have shared a lot of confidences over the past 11 years. As Senator Ed would say, "Herb can keep a secret; it is only the people he tells who cannot." All joking aside, Herb, I have never slept with you or with the Colonel, or in your bed or in his bed. I will miss you in this place; the agriculture community will miss you; and the entire country will miss you. You have served your country well. We wish you continued health and happiness. By the way, Herb, thank you for that thoughtful letter you sent on your retirement. God bless you!

Hon. Senators: Hear, hear!

Hon. David P. Smith: Honourable senators, to delve into ancient history briefly, I belong to a small group because I actually knew Herb Sparrow before he came Senator Herbert Sparrow. It is true.

Hon. Senators: Oh, oh!

• (1350)

Senator Smith: In 1964, I was the National Youth Director of the Liberal Party. Mr. Pearson took me with him to the Bessborough Hotel in Saskatoon. He said, "You have to meet this guy. He is Mr. Kentucky Fried Chicken up there." He became President of the Liberal Party of Saskatchewan. I regard things like that as a badge of honour. Members of this house like Senator LeBreton, Senator Murray, Senator Mercer and Senator Milne have made democracy and the parliamentary party system work. Herb Sparrow is in that category.

I am a Toronto boy and my wife was born in Toronto. Another odd coincidence is that Herb lives on Walker Drive, which is named after my wife's grandfather. Her grandfather was Scott Walker, a lawyer and a former mayor, and Herb's street is named after him.

For 40 years, whenever I would hear Ethel Waters sing, "His eye is on the sparrow and I know He watches me," I thought, "Brother Sparrow needs to have an eye on him. Lord, thank you; you are watching me and Herb, too."

Seriously, Herb, you will be missed. You are special. You are a patriarch around here. There are only a handful. We will look

into beatifying you while you are still with us. You will be missed. Saskatchewan has been very well served by you. God bless you, Herb!

Hon. Leonard J. Gustafson: Honourable senators, in anticipation of the retirement of the good senator, I rise to pay tribute to him.

I feel honoured to have served in this chamber with Senator Sparrow. His razor sharp mind and his wit have endeared him to colleagues on both sides of the chamber.

On that point, I have often told Senator Sparrow that he should have been a Conservative. He acted like one most of the time; but for that, he was to be admired because he was always his own man. If he did not believe in something, he told you; if he did, he told you as well.

He was always full of great advice. When I first came to the Senate, Senator Sparrow had already spent nearly 30 years here. If I needed some good advice in this chamber, I went to Senator Sparrow. He will be truly missed.

He has won many accolades. Being inducted into the Saskatchewan Agricultural Hall of Fame was something that he well merited because he came up with the term "soil at risk" when the prairies were blowing away. That period of time, in which he was chairman of the Agriculture Committee, stood Saskatchewan in good stead because we went to continuous cropping. Senator Sparrow's input into that report was of great importance. For that, he is known around the world.

When the Agriculture Committee studied farmers at risk, we borrowed a little from *Soil at Risk*, and that was attributed to Senator Sparrow.

I want to say to Herb, his family, to Lois and to all of those who know him so well: Have a happy retirement and may God richly bless you in your endeavours in the future.

[Translation]

Hon. Jean Lapointe: Honourable senators, I have become very fond of Senator Sparrow as time has gone by. I have come to know him in these past three years as a brilliant, sincere and upright man. I have discovered his unique and unpredictable sense of humour. I do not know how he comes up with his quips, but they are always unexpected and always go over with a bang. There are plenty of comedians who would love to have that talent.

When I was growing up in the village, people said "Don't go by appearances. Never underestimate farm boys, never try to put one over on them. Appearances don't count; they are crazy like a fox." Honourable senators, Senator Sparrow is one of those farm boys, and I hope he will think of me from time to time when he is out on his tractor next spring. I will certainly be thinking of him and missing him.

[English]

Hon. Anne C. Cools: Honourable senators, I rise today to join in paying tribute to my dear friend and esteem colleague Senator Sparrow, whom I have been honoured to know and to serve with. Senator Sparrow and I were involved in many wars that are now part of the history in this place. We fought well.

It seems like yesterday, when in February 2003, we celebrated Senator Sparrow's thirty-fifth anniversary in this place. At that time, I said that I was pleased that we could pay such a tribute while he still had time left to serve with us. It seems that time has flown. Ecclesiastes, verse 3:19 tells us:

To everything there is a season,
and a time to every purpose under the heaven:
A time to be born, and a time to die;
a time to plant, and a time to pluck up that which is planted;

The time has come to say farewell to our dear friend and colleague Senator Sparrow. I would like, in a personal way, to thank him for his friendship and for his support. I thank him for having the nerve and the strength to vote as he did on the Pearson airport bill, and Senator Sparrow knows where I stood on that question. I will treasure his friendship forever.

Senator Sparrow's achievements in the field of agriculture, the *Soil at Risk* report and related areas are well known. What is not so well known are his charitable activities in his community of North Battleford. I would like to thank him for that as well.

In closing, I wish him and his wife, Lois, and his family a very happy retirement. I hope that they will now have the time with this man to do all the things that they have been waiting to do. I would also say to them, in a very special way, that Senator Sparrow is a classic — a hunter and a farmer, but first and foremost, he is a family man who loves his family passionately. I know that because he has told me on many occasions.

In saying farewell, this for me is a very special ending because Senator Sparrow represents the last connection to a body of senators to whom I was very close, Senators Bonnell, McElman and a host of others.

I would like to close by citing an ancient Irish blessing. It is often read but I always think it is better to let the poets speak:

May the road rise up to meet you,
May the wind be always at your back,
May the sun shine warm upon your face,
The rains fall soft upon your fields and,
Until we meet again,
May God hold you in the palm of his hand.

Hon. Joyce Fairbairn: Honourable senators, Canadians often are encouraged to make the assumption that members of the Senate of Canada are here from their provinces as partners in the national legislative process but do not share the obligation of direct representation in their regions like the members of the House of Commons who are elected in specific constituencies. Well, no one told Herb Sparrow that when he was appointed to

the Senate in 1968. Indeed, he has spent the last 37 years bringing the needs, the hopes, the sorrows and the triumphs of the people in the province of Saskatchewan and in his area of the Battlefords to the floor of this chamber and its committees.

• (1400)

He has been called the “champion of the little guy” and the “lone wolf senator,” and he is the dad of the feed-the-schools program in North Battleford. His voice of agriculture for this whole country is one that, through the Standing Senate Committee on Agriculture and Forestry, produced what is probably the most renowned report in Canada and internationally that our Parliament has ever known. Called *Soil at Risk*, the report cut into a critical issue far before its time in using the Canadian example as a warning to countries around the world about the advancement of soil degradation, which could create the nightmare of farmers being unable to farm.

Our Herb has received every possible honour for his work here at home and around the world. When I became a senator 20 years ago, one of the first responses I received in Lethbridge and the surrounding rural area was not, congratulations and good luck; rather, it was, do you know Herb Sparrow? I was happy to say that I did.

In summary, Herb is one of a kind. He is smart, outspoken, shy, funny, kind and tough as nails. During our long association we have laughed a lot, although we did lock horns from time to time, most spectacularly when Herb single-handedly voted down the Pearson airport development legislation while I was the Leader of the Government in the Senate. Was that the end of a friendship? No, not at all. Through highs and lows we remained supporters of each other. He is my friend. We do not shake hands but we do give a ceremonial wink. I will miss him and agriculture will miss him. He takes with him a ton of respect, good wishes and affection from this old friend.

Lois and the family finally have you back, Herb, tall in the saddle on the land you love. God bless you.

Hon. Ione Christensen: Honourable senators, I think Senator Fairbairn missed the description of how handsome Senator Sparrow is. When I arrived in the Senate in 1999, as all senators do, I went out and looked at the bulletin board outside the chamber and found my name at the very bottom. However, at the top of that list was the name Sparrow. I was 100 names behind. Today I looked at that board again and Sparrow is still at the top. I have been able to move up to number 63, which is only 41 behind the dean, but still a long way off. No matter how far I am behind on that list, there is only one senior senator. While he may disappear from that board, he will never disappear from our hearts.

Herb, you are very much the quintessential senator. Your expertise and independence, as well as your wisdom and your great memory for this place, will be a loss that cannot be replaced. It is a loss for us, a loss for Parliament and a loss for Canada. May you move into the next stage of your life with all of the wisdom and commitment that you have brought to us. I will miss you; we shall miss you; but we wish you happiness and long years to enjoy your home and family.

Hon. Lorna Milne: Honourable senators, I come from downtown Toronto. When I was appointed to this place nine years ago, I had no idea who Herb Sparrow was nor knew anything about him; but I had the common sense to marry a farmer's son. After the first few weeks here, I went home and, among the stories I had to share with my husband, Ross, one was about this senator who seemed friendly enough but clearly walked to the beat of his own drum. I just could not figure Herb out. Let me share with you what Ross said about Senator Herb Sparrow. He said: "This man has done more to improve the ecology of the entire world than any single person in history. His report, the report of the Senate Agricultural Committee called *Soil at Risk*, changed completely the way that farming is done in the deep, dry soils of the Canadian Prairies, the American Midwest, the Pampas of Argentina and the Steppes of Russia and Ukraine. Herb has made a difference, a difference that has transformed agriculture forever."

Herb, you have continued to be true to the beat of your own drum. You have continued to be true to your own values and ideas, and you truly have left a very large legacy. I admire you and I want to thank your family and friends for sharing you with us for so long.

The Hon. the Speaker pro tempore: I regret to say, honourable senators, that the 30 minutes for tributes to Senator Sparrow have now expired. I have six senators still on the list.

I recognize Senator Sparrow.

Hon. Herbert O. Sparrow: Honourable senators, I want to thank each and every one of you, particularly those who spoke today. I appreciate your remarks very much. I was afraid that someone would start telling the truth, but fortunately that did not come out. In a few days I will be replaced by Senator Jack Austin as dean of the Senate and his name will go to the top of the list.

I want to mention that Paul Bélisle, Clerk of the Senate, has been here almost as long as I. In fact, he and I are the longest-serving people in the Senate, Paul being just two years short of my time here. If Paul were a senator, he would become the new dean.

Hon. Senators: Hear, hear!

Senator Sparrow: I would be remiss if I did not mention the staff of the Senate. The security and maintenance people have been very kind to me and treated me well throughout the years. I want them to know that I appreciate all that they have done for the Senate and, in particular, for me. They have been so kind and looked after me so very well. To those staff members, please accept my special thanks.

My family is with me today but not quite all of them. I was introduced not long ago at a meeting as being married and having six children. A fellow sitting next to me said, "You have six children," and I said, yes. He said, "Gosh, I wish I had six children." I asked him why he would want six children, and he replied, "Because I have ten!"

My family was young when I first came to the Senate. While here, away from home, the children would fight over who would sleep with their mother. This fighting over who would sleep with their mother while I was away had to stop, so I asked them to not request that they sleep with their mother while I was away. Upon my return, they came to the airport to meet me. I had just gotten off the plane and was in the arrivals area when one of my little guys hollered, "Daddy, Daddy, Daddy, no one slept with Mommy while you were away!"

• (1410)

Senator Smith talked about Walker Drive, which was named after his wife's grandfather. I live on that street. Walker Drive is well-known in North Battleford. Honourable senators, I want you to know that the City of North Battleford is naming a street after me. I was very proud of that until I found it was a dead-end street going nowhere.

So many people have helped me along the way that I could not mention them all. One chap in particular asked me to go fishing. He said, "You need to have a holiday. A few of us fellows are going fishing for a week. How about coming with us to relax?" I told him that I did not think that I could go because I did not know how to fish. He said, "All it takes to be a great fisherman is to be able to lie a little bit." I responded by saying that I did not think I would be able to do that because I was a politician.

An honourable senator mentioned a turn at Kentucky Fried Chicken. It certainly was an important part of my life, and Colonel Sanders was an important part of my life. It reminds me of a statement by President Herbert Hoover who talked about a chicken in every pot. It spurred me on to try to help out in society a little bit, and the concept of a chicken in every pot stuck with me. When I got in the Kentucky Fried Chicken business, I started to feed the chickens marijuana, so now we have pot in every chicken!

No matter how important you think you are, there is always someone that brings you down a little bit. I was in the restaurant that I frequent occasionally for breakfast when I am in Ottawa. A waiter, who did not know who I was by name or position, would talk to me once in a while. One morning when I came in, he stood by my table and he said, "Who do you think is the most famous Canadian?" I thought for a few seconds and I said, "I think that would be Senator Sparrow from Saskatchewan." He thought for a couple of minutes and said, "I don't seem to recognize that name." It does not take much to bring you back to the level where you belong.

Senator Austin, who was very kind in his remarks, said that my doctorate was from the University of Saskatchewan. It was not. It was from McGill University. I believe Senator Merchant mentioned it.

I have told some of you this story before. I was introduced at a meeting as Senator Swallow from Alberta who was in the oil business and had made \$250,000 the previous year. When I rose to speak, I had to correct that. I said, "I am not Senator Swallow; I am Senator Sparrow. I am not from Alberta; I am from Saskatchewan. I am not in the oil business; I am a farmer. I did not make \$250,000 last year; I lost \$250,000."

To my family and friends, thank you very much for being here today.

Hon. Senators: Hear, hear!

Senator Sparrow: They have been most supportive throughout the years, and I appreciate that.

Honourable senators, I thank you all for your support today and in the past. Thank you all very much.

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to sit at 5:00 p.m. Tuesday, December 14, 2004 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO CONDEMN AND INITIATE MEASURES AGAINST THE GOVERNMENT OF BURMA FOR ITS UNDEMOCRATIC ACTIONS

Hon. Mac Harb: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Government of Canada vigorously condemn the Burmese military junta's extension of pro-democracy leader, Aung San Suu Kyi's term of house arrest and call for it immediately to revoke this measure, to introduce democratic reforms and to abide by its human rights obligations, and further

That the Government of Canada, as an international leader in the defence of human rights and democratic institutions, make it an urgent priority to take action in the form of: implementation of effective economic measures against the military regime; increased diplomatic sanctions, including the exclusion of active participation of the Burmese military junta from trade and investment promotion events in Canada; and increased assistance to Burmese refugees in border regions of adjacent countries as well as those in need within Burma through accountable non-governmental organizations and UN agencies.

[Senator Sparrow]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:00 p.m. on Thursday, December 16, 2004, even though the Senate may be then sitting, and that rule 95(4) be suspended in relation thereto.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet until Thursday, December 16, 2004 as part of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet during the week beginning Monday, January 31, 2005 as part of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

• (1420)

QUESTION PERIOD

NATIONAL DEFENCE

LOCATION OF NEW HEADQUARTERS

Hon. J. Michael Forrestall: Honourable senators, I have a brief question for the Leader of the Government in the Senate and a brief supplementary. Can the honourable leader confirm that the Crown is in discussions with Pierre Bourque for the purchase of approximately 15-acres of land across from the casino in Gatineau?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information on that subject.

Senator Forrestall: Does the government leader have any information on the location of National Defence Headquarters? Perchance, might it happen to be earmarked for that piece of property? If the government leader does not know, perhaps he can find out and report verbally tomorrow.

Senator Austin: Honourable senators, I always do my best to answer Senator Forrestall's questions promptly.

Senator Forrestall: Does that mean the leader knows nothing about the relocation of National Defence Headquarters?

Senator Austin: Senator Forrestall is correct. I know nothing about the relocation of National Defence Headquarters, but I will pursue his questions and hope to answer promptly.

Senator Forrestall: Has it never been discussed in cabinet?

Senator Austin: What can I tell you?

Senator Forrestall: That you love us and care for us.

Senator Austin: Absolutely.

TROOPS ON ASSIGNMENT IN FOREIGN THEATRES

Hon. Consiglio Di Nino: Honourable senators, during a CNN interview this past weekend, the Prime Minister was pressed by the interviewer on whether Canada would send troops to Iraq to help secure the election that is scheduled for January. "1,000 troops," said the interviewer, "surely Canada can spare that number." Mr. Martin demurred, saying that Canada was stretched too thin, with troops in places like Afghanistan and Haiti and prospectively in Africa. He did, however, say that Canada was in the process of increasing our overall troop level substantially.

Could the Leader of the Government in the Senate please tell us how many troops Canada currently has deployed in Haiti, how many advisers we are sending to Africa, and whether we are increasing our troop level in Afghanistan?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question is a detailed one, not directly seeking a policy statement. I will take the question as notice to provide the facts that have been requested.

INCREASE IN TROOPS

Hon. Consiglio Di Nino: The Prime Minister noted during the interview that the process of increasing our overall troop level is getting underway. Can the Leader of the Government tell us how far this has progressed and, once completed, would the issue of sending troops to Iraq be revisited?

Hon. Jack Austin (Leader of the Government): Honourable senators, the last question with respect to troops to Iraq is hypothetical.

On the first part of the question, the government intends to increase the regular forces by 5,000 and the reserves by 3,000 people. The questions of funding and the manner of so doing are under study in the Department of National Defence.

Senator Di Nino: Do I take it that the decision to commence the process has not yet begun, other than a policy statement?

Senator Austin: My answer indicates that the decision has been made, and the officials in the Department of National Defence are now studying the implementation process.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

SECURITY AGENCIES—FUNDING OF NATIONAL SECURITY INVESTIGATIONS

Hon. David Tkachuk: Honourable senators, on Saturday, the *Ottawa Citizen* reported that the Royal Canadian Mounted Police do not have enough funds to counter a terrorist attack. It seems that 70 per cent of the RCMP's national security investigations have financial elements, and only 17 positions have been created nationally to deal with them.

Quoting from a realignment report for the RCMP's Anti-Terrorist Financing Group, the *Citizen* stated that:

...the majority of units have a limited or non-existent capacity to conduct investigations of a financial nature....This in itself nullifies the financial intelligence program's ability to meet its mandate of gathering intelligence.

Clearly, if we do not support our security agencies, they cannot do their job and Canadians are left unprotected.

Wesley Wark, a national security expert with the University of Toronto's Munk Centre for International Studies, was also quoted in the *Citizen* as stating:

There are a lot of different parts of government bidding for a small pool, so it's a sellers market.

I do not think Canadians care whose market it is and which part of the government is bidding. They just want to know they are safe.

What is being done to ensure that funds are available to deal with the financial elements of national security investigations?

Hon. Jack Austin (Leader of the Government): Honourable senators, the subject matter of Senator Tkachuk's question is being reviewed. It is obvious that the RCMP needs to be in a position to carry out its so-called white collar investigations. If there is a deficiency in the program, the government intends to correct it.

Senator Tkachuk: Honourable senators, without any intelligence and without information about what is going on, Canadians are left in a dangerous situation. The realignment report went on to say:

It is not a matter of "if" but "when" an incident will occur whereby the RCMP will be in possession of a piece of information and/or intelligence that could have been used to disrupt or prevent a terrorist act but could not act upon it because we were inadequately resourced to properly deal with it.

All our security agencies then, not just the financial investigators, are being asked to take on a job without being given the funds to do it. When will this government support our security agencies by ensuring that they have enough money to do the job that we have asked them to do?

Senator Austin: I believe I responded to the supplementary question when I answered the first question. There is no way of knowing what the timeline would be.

NATIONAL DEFENCE

SALE OF SURPLUS EQUIPMENT

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, last week it was reported that the military is in the process of selling off surplus equipment, including armoured personnel carriers, tanks and heavy machine guns. Perhaps the government will sell off the used submarines as well. My question is for the Leader of the Government in the Senate. Under what terms will this equipment be sold to other countries? Is there a "buyer beware" policy attached to the sale, as some officials in Britain argued was attached to the sale of the Victoria class submarines to Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have the government's policy statement at hand, but I will take this question as notice and supply an answer shortly.

Senator Stratton: How big is the leader's briefing book?

Senator Austin: My ability to guess your questions has a very low percentage.

Senator Stratton: The equipment can only be sold to approved foreign governments. What restrictions are in place to prevent those countries reselling the equipment to a third party?

Senator Austin: I will provide that information.

TRANSPORT

AIRPORT SECURITY—LOSS OF UNIFORMS

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government and concerns the fact that more than 1,000 uniforms and security badges from federal airport screeners have been lost or stolen during the first nine months of 2004. According to the CBC, some of the items have been discovered on eBay, an on-line auction site. What measures are being contemplated by the government to address this issue, short of changing the uniforms of all airport security screeners?

Hon. Jack Austin (Leader of the Government): Honourable senators, something in the order of 1,700 items from the uniform inventory have not been accounted for, and the Minister of

Transport has authorized a detailed analysis of what has taken place and why it has taken place. There has also been, as I am sure Senator St. Germain knows, a loss of badges attached to the uniforms with Velcro.

The Minister of Transport has made clear that there is no enhanced security risk as a result of these missing items, some of which obviously have been mislaid, if not many of them. It is a problem which is endemic with uniforms, whether it be airport security, the military or other uniformed personnel.

Senator St. Germain: Did I hear the leader say that the security is not enhanced?

Senator Austin: Impaired.

Senator St. Germain: Impaired, rather? You do not feel it is impaired?

The Canadian Air Transport Security Authority investigation says the disappearance of these uniforms and uniform parts is nothing serious to worry about, which is basically what the senator is saying. "Lost airport uniforms not a 'serious risk': No chance of access to secure areas," reports *the Ottawa Citizen* of December 6, 2004. Nothing serious to worry about?

• (1430)

This really boggles the mind, honourable senators. In fact, considering the report was slapped together in a few days, it gives the impression of being a hollow communications exercise rather than a sincere attempt to get to the bottom of this problem.

If these uniforms got into the wrong hands, I find it questionable as to whether this would not impede security operations.

Is the government saying that it is content with the Canadian Air Transport Security Authority's response that there is no danger that anything could happen?

Senator Austin: As I said in response to the first question asked by the honourable senator, we take it to be a matter of real concern. The Minister of Transport has commenced an audit to determine what is missing and how that material came to be missing.

Honourable senators must put this whole story in its proper context. Approximately 75,000 uniforms are issued and, up to this time, only one complete uniform has been reported as missing and that was traced to a house fire where a uniform was burned. Only 78 shirts are missing out of 20,000 bearing the CATSA logo. Other information of that kind has already come to hand.

Obviously, we do not want a situation to occur where uniforms that are issued to people who have security clearance are lost and could be used by criminal elements. Therefore, there will be a complete reworking of the way in which CATSA's uniforms are issued. That is now under way.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is to the Chair of the Standing Senate Committee on National Security and Defence.

In light of the answer we just heard from the honourable minister, and in light of the excellent report that was tabled here yesterday — and I have only had it since yesterday — I have a question for the chair of the committee. Contrary to what the minister has told us, was it the conclusion of the committee that the problems at our airports, whether they have to do with uniforms, or people working in baggage and other areas, are serious security problems?

Hon. Colin Kenny: Honourable senators, I thank the honourable senator for that question.

I shall deal with it in two parts. The Leader of the Government in the Senate is accurate, in my view, about the uniform question with CATSA. Missing uniforms is a matter with which the committee has been seized for a long time. Pilots' uniforms, customs officials uniforms and police uniforms have all been reported missing. It is difficult to keep track of those items.

In this instance there were only a small number of complete sets.

A missing uniform puts increased pressure on inspecting photo IDs. It is the view of the committee — and it is reflected in the report before you — that the identification badges are inadequate. They lack a biometric identifier. They also lack something that is referred to as "geofencing" that limits individuals from going from one location to another when they are not entitled to have access to a certain area.

We also have real concerns regarding the list that is used when badges are inspected. It is a list of missing or cancelled badges. In as much as the badges that are currently prepared and issued can be replicated fairly easily at a print shop or, in fact, in the honourable senator's office, we do not think it is appropriate that the lists be checked against cancelled badges. They should be checked against a list of active badges, and we are quite critical of that procedure.

Our final concern is that the random searching of airside personnel is inappropriate. At shift changes, the first person through is stopped, but then 20 or 30 people will be allowed to go airside without having their sports bags or their lunch pails inspected. These people move freely about the tarmac and aircraft that are being loaded with baggage, fuel and food. The committee does have concerns in that regard.

Senator St. Germain: I have a supplementary question for the Leader of the Government in the Senate. In view of what the chair of the committee has said — and, obviously, the committee has comprehensively studied this matter — I suggest that various smatterings of certain materials can be made into a complete uniform. I feel the government is being remiss in that it is just spinning the control of this issue.

Is the government prepared to bring in the RCMP if it is suspected or proven that thefts of these particular items is taking place? I think this does pose a serious threat to security, and is of particular concern to people, such as senators and our staff, who continually use airports and airlines. That concern may even extend to international flights.

Senator Austin: I thank the honourable senator for the supplementary question.

I want to correct the number that I used. I said that approximately 1,700 uniform items had gone missing. In actual fact, 1,127 uniform items, including identification badges belonging to CATSA contract airport security screeners, have gone missing over the last nine months.

In answering the honourable senator's question I would say that Minister Lapierre issued a news release on December 4, 2004 that stated he directed CATSA's President and Chief Executive Officer, Jacques Duchesneau, to provide him with a full report on this issue on an urgent basis. When that report is received, then we will be at the point where we will make a decision about what further action is required.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed response to an oral question raised in the Senate on December 1, 2004 by Senator St. Germain, regarding bovine spongiform encephalopathy and aid to the cattle industry.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

(Response to question raised by Hon. Gerry St. Germain on December 1, 2004)

The Government of Canada recognizes that producers' incomes continue to be negatively affected by the impacts of border closures related to bovine spongiform encephalopathy (BSE). Since May 2003, federal and provincial governments have committed up to \$2.5 billion for BSE-related industry support initiatives above and beyond existing business risk management programming.

On September 10th, a national strategy, with measures totalling \$488 million in federal funding, was introduced to help reposition the Canadian cattle and beef industry to ensure its long-term viability and profitability, whether or not borders open.

Since the September 10 announcement, there has been important progress made in implementing the national *Repositioning the Livestock Industry Strategy*. Specifically, measures to increase capacity and to sustain the industry are in place and efforts to reopen the U.S. border and to further expand export markets continue.

Many requests for additional assistance have been made and many creative solutions proposed. These are all being analyzed, in the context of the repositioning strategy and of the anticipated publication of a U.S. rule governing the importation of live ruminants and their products.

ORDERS OF THE DAY

CANADA EDUCATION SAVINGS BILL

SECOND READING

Hon. Wilfred P. Moore moved second reading of Bill C-5, to provide financial assistance for post-secondary education savings.

He said: Honourable senators, I am pleased to participate in second reading debate on Bill C-5 the proposed Canada Education Savings Act. This legislation will help thousands of low and middle income Canadian families to now commence saving for the post-secondary education of their children.

There is no doubt that education is a key investment in the future. It opens the door to prosperity and growth for both individuals and Canada as a whole.

This bill is an important step forward in the government's workplace skills strategy aimed at creating a 21st century economy and to ensure that Canadians have the education and skills needed to participate fully in that knowledge-based economy.

• (1440)

Bill C-5 is an important step in this direction. If we look ahead five years, 70 per cent of all new jobs in Canada will require some form of post-secondary education, and at least 25 per cent of these new jobs will require a university degree. Therefore, it is not surprising that a recent study found that 93 per cent of parents want their children to pursue post-secondary education.

Helping low-income families save for their children's post-secondary education is a key feature of the legislation now before us. This bill proposes that children born as of January 1, 2004, into families entitled to the National Child Benefit Supplement will be eligible for a one-time grant, called a learning bond, of \$500 once their parents open a Registered Education Savings Plan for them, and as their children grow older so will that learning bond grow. Up to and including age 15 years, these children will receive an annual \$100 instalment for each year that their family qualifies for the National Child Benefit Supplement.

The annual instalment payments will encourage parents to continue to save and contribute to asset growth. It is estimated that this could provide as much as \$3,000 by the time the student is ready to pursue post-secondary education.

The government estimates that this year alone more than 120,000 newborn Canadian children could benefit from the Canada Learning Bond. Even if parents do not open a Registered Education Savings Plan, children will not be penalized because, at the end of the day, the learning bond belongs to them. When these children reach the age of majority, they can open their own RESP account and claim their learning bond entitlement between the ages of 18 and 21 years. That bond will be deposited into their RESP account.

Savings accruing from the learning bond may be applied to any designated post-secondary learning institution recognized by the Government of Canada, including universities, community colleges and trade schools.

Another benefit of saving in RESPs is that the money is not restricted to just paying for tuition fees. Students may use the funds to pay for other education-related expenses such as textbooks, rent or computers.

The learning bond is an important aspect of the proposed Canada Education Savings Act, but it is not the only one. The bill also contains improvements to the Canada Education Savings Grant program. Families with a net income of \$35,000 or less would receive a match rate of 40 per cent on their first \$500 of RESP contributions each year. This is double the existing rate of 20 per cent. Middle-income families earning more than \$35,000 but not exceeding \$70,000 per year would see the match rate rise from 20 to 30 per cent on the first \$500 of RESP contributions. It is estimated that 4.5 million children could benefit from the enhanced Canada Education Savings Grant program this year alone.

With the enhanced CESG rates proposed by this legislation, a family contributing \$10 a month to their child's RESP could see it grow to \$7,000 in savings in 18 years, just in time for the child to begin his or her post-secondary education. This sends a strong message to modest-income parents that just a little saving on their part will go a long way toward helping their children realize their dreams of pursuing post-secondary education.

Of course, helping parents save for their children's post-secondary education was the government's objective when it launched the CESG. That program was proved to be a solid success. Since the CESG was launched in 1998, private contributions to RESPs have increased considerably and now total nearly \$13 billion. During that same period, the government has provided more than \$2 billion in CESGs and today 2 million children under 18 years of age benefit from the CESG program.

While it is true that all of these measures have been successful, the following facts face us: At present, only 26 per cent of families earning \$25,000 or less are saving for their children's education and only 8 per cent of families in this income group invest in an RESP. This means that the vast majority of low-income families are not benefiting from the Canada Education Savings Grant program, in some cases because they do not know it exists. That is why the bill before us today proposes to enhance the CESG program and create a new Canada Learning Bond. This legislation builds on a highly successful program, and it includes a measure to communicate these benefits to eligible families across Canada so that they will be aware that assistance is available.

When parents become aware of these measures and the government's efforts to help them save for their children's post-secondary education, they will hopefully be eager to take advantage of the opportunity. This is equally true for low-income families.

It is incorrect to suggest that low-income citizens do not save; they do. As the recent Survey of Approaches to Educational Planning showed, although family income affects the ability to save, parents from low- and moderate-income families accumulate a significant amount of savings for their children's

education. Of the 26 per cent of families with incomes less than \$25,000 who were saving for post-secondary education, the median amount saved was \$2,400, which represents a little more than one third of the amount of the highest income group.

A further study indicates that asset building, which is what post-secondary education savings represents, is as important to both economic and social well-being as having income. Asset-based approaches such as those outlined in Bill C-5 recognize that low-income people not only need income support for current expenses but also for building assets for their future. Having a nest egg creates stability in one's life and creates hope. This is good news because individuals who have assets are 50 per cent more likely to attend post-secondary institutions than those without assets.

Canada is justly proud of its position as third in the world in helping its citizens increase access to post-secondary education for low-income families. Canada places great importance on the value of education and our investment in post-secondary education as a percentage of GDP ranks us second among all other countries. The legislation before us can only further our international standing in this area.

Honourable senators, as I conclude, I want to share with you my concern about comments I have heard with respect to Bill C-5, comments that, in fact, have no relevance to this bill at all. Much of the criticism being levelled at this bill is about other issues that people have about post-secondary education in Canada, such as how it is financed. Some people say this bill does nothing to reduce the high costs of tuition or to put money into the pockets of students right away, and I agree; it does not. However, that is not what this bill is about.

It is important to keep in mind that Bill C-5 seeks to meet three key objectives. It complements the many other ways this government is working to ensure that students who need help with meeting the costs of post-secondary education are able to get it. It will assist and encourage families to save for their children's education by making it easier for them to build the assets their children will need in later years, and it follows through on the commitment in the Speech from the Throne to increase access to post-secondary education, particularly for low-income families.

As such, the proposed Canada Education Savings Act is but one part, albeit an important one, of the government's approach to improving access to post-secondary education for all Canadians. The proposed Canada Learning Bond and enhanced Canada Education Savings Grant contained in Bill C-5 build on the new grant announced in this year's federal budget for students from low-income families to cover a portion of the tuition cost — up to \$3,000 during their first year of post-secondary education, effective August 2005. As well, it builds on the government's important investments in post-secondary education through the Canada Student Loans Program, the Millennium Scholarships, the Canada Study Grants and the Trudeau Graduate Scholarships to name but a few.

• (1450)

If we are to meet the challenges of the 21st century global economy, we must ensure that all of our citizens have access to post-secondary education and the opportunity to contribute more fully to our economy and society. Bill C-5 is an important step forward in achieving that goal. I therefore ask for senators' support on Bill C-5.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I rise to participate in the debate at second reading of Bill C-5. I support the principle of the bill, but I consider it to be a small step. I take the caution of Senator Moore such that when we have a bill before us, we are supposed to focus on it and not look at the larger question.

I accept that admonition because I consider this bill to be such a small step. I do not want it to be misunderstood that although I support this bill and the step that it represents, it is a small step in Canada where we face what I consider to be a national disgrace — namely, the high level of financial burden of our students.

We have talked about this issue for a long period of time. It does not that we have been able to find the right model for funding higher education in Canada. Perhaps the time has come to re-examine whether the current stakeholders have to go back to square one to examine a higher approach to post-secondary education. So many studies are being done by the same people, whether it be the university presidents or the federation of students. Perhaps we need to analyze how we are funding post-secondary education.

The reality is that the model we have been using has failed because students are incurring totally unacceptable financial burdens. Upon graduation the indebtedness they have incurred keeps students out of the housing market and many other areas of the economy.

We should approach this kind of bill within the context of what Canada's obligation is to post-secondary education. The Government of Canada has a specific, legally binding international obligation that it assumed when Canada deposited the instruments of ratification on the International Covenant on Economic, Social and Cultural Rights at the United Nations. Under international treaty law, we assume certain legally binding obligations.

Article 13 of the International Covenant on Economic, Social and Cultural Rights stipulates that states parties — Canada — will be taking steps progressively to make post-secondary education freer. Canada ratified that convention in 1976. We have not been making post-secondary education freer since 1976. We have gone in the other direction. If a social audit were performed, we would not pass but would fail miserably in my judgment.

While I support the intentions of Bill C-5, as Canadians we must address the manner in which the model of funding post-secondary education is developed. We belong to the G8. The problem is not that we do not have the means because we are not putting a great deal of financial resources into post-secondary education; rather, the problem is the way in which we are doing it. We ought not to be harnessing students with this unacceptable,

immoral debt load upon graduation. Access to education, from kindergarten on up, is continuous throughout life, but the post-secondary years are critically important in terms of the economic, social and cultural benefits to the country.

I accept Senator Moore's admonishment and will try to limit my sense of being disconcerted with the model under which we currently operate in terms of funding higher education. I want to deal specifically with Bill C-5, which purports to make higher learning more easily accessible to a greater number of Canadians.

As Senator Moore explained, the bill was created to encourage the financing of children's post-secondary education through savings from early childhood and Registered Education Savings Plans. For families earning less than \$35,000 per year, the match rate of the Canada Education Savings Grant would climb to 40 per cent on the first \$500 of RESP savings. That is good because it doubles the existing match rate.

For families earning between \$35,000 and \$70,000, the match rate will increase to 30 per cent on the first \$500, while the total Canada savings grant that a beneficiary can receive remains capped at \$7,200. It is hoped that these new rates will help more people to save more money for post-secondary studies.

Primary among the innovations of Bill C-5 is the Canada Learning Bond. I would be remiss if I did not mention that the learning bond was part of the Conservative Party of Canada's platform in the last election.

For the purposes of the bill before us, honourable senators, the bond will only be made available to children born since January 1, 2004. In order to qualify for the CLB, beneficiaries must qualify for either the National Child Benefit Supplement or, in the case of a child placed in care, for allowances paid under the Children's Special Allowances Act.

Essentially, under this initiative there is an initial federal contribution of \$500, which is subsequently augmented each year by \$100 if the beneficiary remains entitled to the National Child Benefit Supplement. This \$100 contribution can be made once per year for each of the next 15 years. It is estimated that the Canada Learning Bond alone will be worth \$3,000 by the time the beneficiary reaches 18 years of age.

Honourable senators, the bill was born of best intentions, and I commend the government for beginning to address a problem that increased exponentially in this last decade or so. Although I have raised my concerns in a general way, I must raise my concern with this bill in a specific way.

Bill C-5 was drafted in an attempt to offer assistance to those Canadians for whom a post-secondary education is becoming less and less affordable. In my opinion, it falls short of the mark. The government is saying that it wants to achieve one thing, but it is not implementing means that are specific enough to achieve that end. Consider, for example, the pressure that families and social assistance in the provinces of Ontario, British Columbia and Quebec may face in light of this bill. In those three provinces, the social assistance programs, regulations and rules dictate that educational savings are to be included in a person's financial

assets when they apply for social assistance. As a result, by contributing to the learning bond, these families may place their provincial benefits for social assistance at risk. There must be more cooperation with those provinces in this regard.

• (1500)

We also have seen the gap between government intentions and action in other earlier attempts to address the financial issues surrounding post-secondary education. The Canada Education Savings Grant is a good example. The federal government launched this program five years ago. What began as an effort to assist students from low income families has seen most of the benefits go directly into the pockets of affluent families.

The RESP has many detractors as well who note that the program rewards those Canadians who are in the least need of help instead of those who face the greatest economic obstacles in pursuit of higher learning. The Canadian Federation of Students has called this program "a national system of indirect grants."

Under the RESP, contributions are not tax deductible. The organization contends that because the income generated by the RESP has accumulated tax free, the foregone tax revenue is tantamount to a grant payable only to RESP investors.

In a similar scenario with regard to the overall financial assistance system for students, a recent study by TD Economics, entitled "Time to Wise Up on Post-Secondary Education in Canada," found that the program is failing those from low-income backgrounds. The reported noted:

In Canada, the student financial assistance regime is a bewildering hodgepodge of federal and provincial programs featuring loans, grants and tax incentives. In 2000-2001, it carried an annual price tag in the neighbourhood of \$4.7 billion. But it does not effectively target funding at lower-income groups. And, despite considerable money being added in recent years, the situation has not improved much.

Others have also observed a difference between the government's words and the government's actions. Last month, the Canadian Millennium Scholarship Foundation released an extensive study entitled "The Price of Knowledge 2004: Access and Student Finance in Canada." Sean Junor, a senior policy and research officer at the foundation, observed that "governments now spend more on assistance delivered through the tax system than they do on need-based loans and grants."

According to the study, between 1990 and 2004, the proportion of government funding of need-based student assistance declined from about 65 per cent down to 40 per cent. With the data, the picture becomes very clear at a time when grants and loans to students with the greatest financial need remained constant. The amount spent on education tax credits, credits which are available to anyone regardless of need, have increased dramatically.

Honourable senators, my concern is not the government's reliance on the use of education tax credits, but rather that these initiatives do next to nothing to assist those Canadians facing the most severe financial need. With examples such as these, it is not surprising that the data point to surprising differences in the

participation rates of children from high-income families versus those from low-income backgrounds. According to the data from the Canada Millennium Scholarship Foundation, "Youth from high-income families are twice as likely to attend university as youth from low-income families."

Honourable senators, returning to my initial proposition that all Canadians have a right to post-secondary education, we have an obligation as a society to make that post-secondary education freer. We are not meeting that obligation.

However, I do support this bill. It is a piece of legislation that is moving in the right direction. For those reasons, I hope that we will attend to the social economic justice goals that I am sure all honourable senators share.

Hon. Madeleine Plamondon: Honourable senators, I did not prepare a speech, but I want to say that I will vote for the bill. I agree with Senator Kinsella.

I would like to offer a few thoughts about enriching the bill, having spent all my life in budget counselling. Some families that earn \$35,000 a year never have any savings. When we ask them to save \$10 a week, the aggressive publicity may make them spend this \$10.

If the government would support the budget-counselling community, it would find the \$10 very easily. Even if people are indebted, budget counsellors would find a way to help these people pay their debts and, once the debt is paid, to reach the goal of financing post-secondary education.

When saving money becomes a goal, the parent who saves the \$10 will look after their children's education. Savings, even if only a small amount, is the equivalent of getting the family involved in overseeing education. This is encouraging.

One cannot save for something and at the same time do nothing on the other side. It is like saving for a trip. One saves money, but at the same time the entire family prepares mentally for the trip.

There should be a mechanism so that the low-income families can find the \$10. Once they find the \$10, they will be able to set goals and to save for other purposes. We might then see lower-income families saving instead of being indebted.

Honourable senators, I think this is a very good bill, but I would like it to go further.

Senator Moore: Honourable senators —

The Hon. the Speaker pro tempore: I would like to advise honourable senators that if Senator Moore speaks at this time, it will have the effect of closing the debate.

Senator Moore: Honourable senators, the comments made by Senators Kinsella and Plamondon are most valid. We have two inquiries underway in the Senate, led by our colleagues Senators Callbeck and Hubley.

Perhaps it is time that we did take a full and complete look at the funding of post-secondary education in our country. Those inquiries may lead to a full study by one of our standing committees, which would be a useful and timely exercise.

If no other senator wishes to speak, I would move that Bill C-5 be referred to the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Moore, seconded by the Honourable Senator Day, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Moore bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

• (1510)

TAX CONVENTIONS IMPLEMENTATION BILL, 2004

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Lavigne, for the third reading of Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Harb, seconded by the Honourable Senator Lavigne, that this bill be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

THE ESTIMATES, 2004-05

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2004-2005) presented in the Senate on December 7, 2004.

Hon. Donald H. Oliver: As honourable senators know, the Standing Senate Committee on National Finance was created in 1919 and has generally been interested in government spending as expressed in the estimates document and related bills. For many years, it has been the practice in the Senate to refer the government spending estimates and supplementary estimates to this committee. It has also become a convention that the Senate does not proceed with the appropriation based on those estimates until it has a report from the Standing Senate Committee on National Finance on its review of the estimates. What is now before honourable senators is the report on Supplementary Estimates (A) 2004-05.

Honourable senators, the Supplementary Estimates (A) for the fiscal year 2004-05 add a net amount of \$2.7 billion to the \$186.3 billion already approved by Parliament in the Main Estimates. The total amount of the estimates to date is approximately \$189 billion for the year 2004-05.

The details of these proposed expenditures are well explained in the report which follows upon two meetings, one with the Honourable Reg Alcock, President of the Treasury Board, on November 30, and one with the officials from the Treasury Board Secretariat on November 23. I believe that this report will ease the Senate's consideration of the interim supply bill, which I presume will be along shortly. I will not take much of your time, honourable senators, but I will draw to your attention several items in our report.

Honourable senators, Mr. Alcock told us that the government is now implementing a number of new and, indeed, exciting initiatives that will alter the way the government is managed in the foreseeable future. In part, this will involve new practices such as what is called the expenditure review exercise, improved oversight activities such as the revitalization of the Comptroller General's office in the Treasury Board Secretariat, and improvements in the process by which government reports to Parliament.

Allow me, honourable senators, to illustrate one aspect of these changes being introduced at this time, namely, the improvement of government reports to Parliament and parliamentary committees. You may be aware that Parliament receives hundreds of statutory reports from over 200 government organizations on matters as diverse as privacy, sustainable development, employment equity, alternative fuels and others. The list of these reports alone exceeds 100 pages.

As honourable senators are aware, the detailed information provided to Parliament does not guarantee clarity or understanding. For some time, the Standing Senate Committee on National Finance has requested simpler, more integrated information on the government's plans and activities as they are reported in the estimates document.

At his appearance before the committee, the President of the Treasury Board explained how the government has begun to deliver on its earlier assurances that it would introduce improvements in its process of reporting to Parliament. For example, he noted that all departmental Reports on Plans and Priorities and performance reports are now available electronically. Coupled with further standardization of the presentation of these reports, it should become easier for readers to find information in the departmental reports.

Honourable senators, the committee was immediately able to observe some of this new reporting to Parliament. The Treasury Board Secretariat has begun to provide more detailed information in supplementary estimates themselves. These changes to the format of the supplementary estimates will provide greater transparency and consistency of information in all estimate documents.

Some of the new estimates information that I should like to highlight for honourable senators includes a ministry summary table preceding each ministry in the document, an explanation of the gross funding requirements, an explanation of funds available to offset new spending requirements, a reconciliation of planned spending to total estimates to date, an overview of the major items being requested in these supplementary estimates, a standard object of expenditure summary, a summary of horizontal initiatives, a summary of one dollar items included in these supplementary estimates and a summary of changes reflected in the supplementary estimates since the tabling of the Main Estimates.

The President of the Treasury Board indicated that further changes are in the works, and he hopes that the National Finance Committee will assist in allowing the Treasury Board Secretariat to consult the committee on proposed changes. I assure all honourable senators that it is the intention of the committee to accept this kind invitation.

As honourable senators will recall, this is not the first occasion on which the Standing Senate Committee on National Finance has been called upon to comment on proposed changes to the practices and the policies at the Treasury Board Secretariat. A past discussion that reoccurs in this report concerns the status of the National Finance Committee's earlier work on what is called Treasury Board Vote 5, Government Contingencies. Allow me to remind honourable senators that funding provided to government departments and agencies under the Treasury Board Vote 5 is either for pay-list shortfalls, such as severance pay and parental benefits, which cannot be predetermined, or for what is called miscellaneous, minor and unforeseen expenditures that were not provided for in the Main Estimates and which are required before supplementary estimates are tabled. You can recognize from that language alone that that opens the door unless it is more clearly defined, and that is what the committee has attempted to do over many years.

The manner in which contingency funds are used under Treasury Board Vote 5 has been a recurring concern for the committee. In fact, on June 6, 2002, the Standing Senate Committee on National Finance tabled a report containing nine recommendations regarding the working and the implementation of Treasury Board Vote 5 funding of departments. Since that

time, the committee has had ongoing discussions with the officials of the Treasury Board Secretariat about the committee's recommendations and possible changes that should follow for the Treasury Board's policy on the use of Treasury Board Vote 5, on the wording of the vote and on the guidelines used by its analysts in the determination of eligibility for funding.

The President of the Treasury Board told the committee, as recently as last week, that he is now considering the following: changes to the wording in the introduction of the Main Estimates to provide better context around the use of the government's Vote 5; alterations to the wording of the vote reflecting some of the suggestions included in the Senate National Finance Committee's June 2002 report; an approved framework governing the use of Vote 5; and, finally, a set of Treasury Board approved guidelines or criteria to accompany the framework.

The president explained that he is currently considering a draft paper and consulting with other parliamentarians and with the Auditor General of Canada on this issue. He stated that it is his intention to release the report on this before the end of December this year.

Let me assure honourable senators that the committee intends to follow up on this matter when it resumes its hearings after the holiday season. The potential for the misuse of Treasury Board funding is too great to allow the matter to rest without a response to the committee's earlier recommendations.

• (1520)

Hon. Jack Austin (Leader of the Government): Honourable senators, I rise simply to thank Senator Oliver as Chair of the Standing Senate Committee on National Finance and the committee itself for the work that they have done and for the report we have just received.

Hon. Pierre Claude Nolin: I have a few questions, if Senator Oliver is ready to answer questions.

On Treasury Board Vote 5, I go specifically to page 7 of the committee's report that deals with a request from the Old Port of Montreal Corporation and Marine Atlantic Inc. If one compares the argument raised by Marine Atlantic, they are asking for \$35 million to cover a cash shortage resulting from falling revenue due to a decrease in traffic, which was unforeseeable, and rising costs associated with fuel, which was also unforeseeable. I think it is justified to allow the \$35 million.

With respect to the Old Port of Montreal Corporation, the only explanation is that they need more money to cover salary costs and contractual obligations. Does the honourable senator have more information than that one sentence in the report to support the request to authorize \$16 million?

Senator Oliver: We did not have more information come before us at the committee. That is why there was extensive debate into the use of vote 5. We want more guidelines and more details because this is the one contingency discretionary area where the sky is the limit and when hundreds of millions of dollars can be slipped through. It is an excellent question and hopefully when we

get the minister's revised report with new guidelines and rules, we will see a tightening of the process so that this will not happen in the future. However, the answer is no.

Senator Nolin: That is too bad. I may have to vote again on that part.

Hon. Lowell Murray: Honourable senators, I intend to say a few words about this report. I do not know whether I can shed any light on the question that was asked by Senator Nolin, but I do recall that when the supplementary estimates were before us at the committee, and the list of purposes to which vote 5 had been put was before us, I asked the officials specifically about the Old Port of Montreal. I asked two questions. What was the date on which the government had recourse to vote 5 for this purpose. It turns out that the date was sometime in May. I said, "During the election campaign," and the official said, "Well, it was before the election." I said, "Yes, of course." However, he did undertake to go back and get some further information as to the need that was put forward by the officials of the Old Port of Montreal, the purpose for which the government in effect had recourse to vote 5. When that information comes forward, I will be glad to share it with my honourable friend.

Honourable senators, I want to say by way of comment on the speech we have just heard by the chairman of the committee and on the report that was tabled here yesterday that the committee is off to a very good start. We have already heard twice from the President of the Treasury Board and once from the Minister of National Revenue. We have also heard from the Auditor General and from the President of the Public Service Commission, among others. Tonight, at five o'clock, we are to hear from the Minister of Public Works and Government Services. I have every reason for confidence that the committee will make a substantive contribution, if not to good governance, at least to the debate on good governance and, in particular, to the question of government's accountability to Parliament in the spending of public money.

Senator Oliver quite properly highlighted some of the matters that are touched on in the report. In particular, he expressed the appreciation of the committee — with which I certainly concur — to the Treasury Board Secretariat for their efforts in improving the reporting to Parliament of the government's spending plans.

If honourable senators are some day leafing through the supplementary estimates, I would draw your attention to the tables between pages 45 and 52. They report on the implementation of \$1 billion in government-wide reallocation that had been announced by the former finance minister, Mr. Manley, in his budget of February 2003. The reallocation announced in 2003 is not to be confused with the old program review over which Marcel Massé presided in the mid 1990s, nor is it to be confused with the \$3 billion per year that the government says it will save and reallocate to other purposes for the next four or five years. Those are three different exercises.

With regard to the \$1 billion reallocation announced by Mr. Manley in 2003, honourable senators can see by looking at the table that most of the reallocation seems to have taken place within a particular department rather than from one department to another, as departments were encouraged to take money away

from lower priorities and devote it to matters of higher priority to the government and the department. Thus, the Department of National Defence in the supplementary estimates is asking for \$502 million originally. The next column shows that they have "saved" \$89 million in their department in the reallocation process. I am talking now of vote 1, the department itself. They "saved" another million somewhere else, so that they have saved \$90 million off the \$502 million in supplementary funding that they want. Therefore, they are coming in for a net of \$412 million.

Seeing this, I was brash enough to ask the officials whether they did not think there was less to this exercise than met the eye and to wonder aloud whether departments were manipulating the Treasury Board in some way by reporting some fancy ostensible savings in order to improve their chances of receiving the supplementary funding that they were seeking. The reductions, the so-called savings, are not from any amount that was to be found in the Main Estimates, but rather in the "reference levels" of the departments that are really documents that are internal to the government.

I will say that the officials of Treasury Board assured us that the savings are for real, that they are from planned expenditures, and that the exercise is carefully monitored by the central agencies to make sure that the numbers we have here are indeed for real.

I join with the chairman and others on the committee in taking some satisfaction in the improved reporting of government spending plans and in the increased transparency, but I want to mention again how difficult it sometimes is to track government monies intended for a particular purpose. I went from that committee last week to another committee that I recently have become a member of, the Standing Senate Committee on Official Languages, on last Monday night.

[Translation]

We heard from Mr. George Arès, President of the Fédération des communautés francophones et acadiennes du Canada.

• (1530)

Mr. Arès spoke about the sums of money allocated for the development of minority language communities across the country. He told us that these amounts always fell short of the communities' needs—not surprisingly. He added, though, that in the Official Languages Action Plan announced by the Privy Council President at the time, Mr. Stéphane Dion, the sum of \$19 million was earmarked for Canadian Heritage. This amount was intended for the development of official language minority communities across the country. Mr. Arès emphasized that the problem for these communities is that they have not seen anything of this \$19 million since the announcement. There is a real problem of transparency.

Mr. Arès's statement reads as follows:

Moreover, there is a problem of transparency with funds that were transferred to Canadian Heritage under the Action Plan. For nearly two years this \$19 million has been available to the department, specifically for culture, community radio, and community centres. While the

resources for cultural animation are terribly low, while the national community radio network has closed its satellite link for lack of funding, and a great many local communities are waiting to be able to construct a community centre, it is still impossible to get information about Canadian Heritage's use of this \$19 million. The testimony of the minister before your committee and that of the Commons has not made this subject any clearer.

Senator Corbin, chair of the committee, asked several questions about this. In particular, he asked how the \$19 million had been used. Mr. Arès replied:

We would certainly like to know. To our knowledge, this money has not yet been spent. Two years ago, Canadian Heritage received part of this money. But we do not know if it was spent.

Nineteen million dollars is not much compared to a budget of \$186 billion. In fact, it is a trifling amount even in the context of \$2 billion supplementary estimates. Nevertheless, it is of great significance to these communities, as Mr. Arès has said.

[English]

I looked in the action plan and found it in supplementary funding under Canadian Heritage: Support to minority communities, \$19 million over five years. Mr. Arès has told us that they cannot find it; they have seen nothing of it; their radio and television stations are closing down; and the satellite links are being closed down. Where is the money? The Commissioner of Official Languages does not seem to know, the Minister of Heritage Canada has nothing to tell us on the subject and everyone is in the dark.

Many questions arise in the testimony of Mr. Arès, questions that will be the subject of later debates about official languages. I raise this simply to make the point that tracing government monies intended for a particular purpose is sometimes a difficult exercise. The official languages communities across the country, in particular, depend on those relatively modest sums for purposes of their development, indeed, their survival as minority language communities.

I hope it will not be necessary for the Standing Senate Committee on National Finance to recall the Treasury Board officials, or the Department of Canadian Heritage representatives, to give an accounting, but this money has gone missing. Perhaps it has gone missing because it has been used for other purposes. I hope not. Perhaps there is too great an element of discretion in a matter of this kind. Mr. Dion gave Canadian Heritage \$19 million for community development. Where did it go? I thought for a while that it might have been a victim of the reallocation process but, when I looked in the Supplementary Estimates, there was no evidence that that was the case. In 2004-05 there was plenty of money set aside for what I assumed to be the action plan.

The question remains: Where is the money they need?

[Senator Murray]

I had not seen Mr. Arès in a long time and, when I last encountered him he was not the president of the national federation but the spokesman for or the president of the Alberta francophone association. I took the occasion the other night, with the indulgence of the chair, to ask him how he thought things were going for francophones and francophone communities in his own province.

[Translation]

Some of what he had to say was fairly positive.

[English]

He told us that, in the last 20 years, the situation had improved considerably. Naturally, he mentioned schools, the management of schools and that sort of thing, which is no more than their constitutional right, as we know. However, he also said that the attitude of the francophones themselves in many of those communities had become much more positive.

The Hon. the Speaker pro tempore: I regret to inform the honourable senator that his speaking time has expired.

Are you asking time for leave to continue, Senator Murray?

Senator Murray: Yes, just for another minute or two.

The Hon. the Speaker pro tempore: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Murray: He said that the attitudes of the governments, not restricting this to Alberta but extending it to the governments of all the Western provinces, had become much more helpful.

An interesting point he made was that some of the anglophones who had been through the immersion courses in the late 1960s and 1970s are now in positions of influence in the private sector and in government and have a much more positive attitude toward minority language matters and towards the equality of our official languages than existed many years previously. His words were rather encouraging.

Against that, however, because of the exodus from the rural to the urban communities and a number of other factors, they need more than the \$19 million supplement Mr. Dion was giving to Heritage Canada to encourage development of minority communities. While listening to Mr. Arès, I was struck by the thought that, for a fairly modest sum of money, in the context of \$186 billion, a lot could be done to keep the momentum going in those communities with great benefit to them, those provinces and the country as a whole. A province like Alberta might even be able to scrape up a few dollars out of its own meagre resources for some partnering in these matters.

• (1540)

Honourable senators, transparency is definitely improving at the global level when the Main Estimates and the Supplementary Estimates are reviewed, and that is all to the good. However, a problem still exists on the ground — sometimes with relatively small sums, but important to those who are affected — in ensuring that the intentions of Parliament in voting this money

are respected and that the voted amount is put to the purposes for which it was intended.

I hope we will have answers to that before too long in the specific case that I have raised.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: I would draw the attention of honourable senators to the presence in our gallery of former Honourable Senator Raymond Setlakwe. Welcome.

Hon. Senators: Hear, hear!

THE SENATE

MOTION TO URGE GOVERNMENT TO URGE CHINA TO RESOLVE TIBET ISSUE—DEBATE ADJOURNED

Leave having been given to proceed to Item No. 66:

Hon. Consiglio Di Nino, pursuant to notice of December 2, 2004, moved:

That, as a follow up to the goodwill generated by the visit of His Holiness the Dalai Lama to Ottawa last April, the Senate call upon the Government of Canada to use its friendly relations with China to urge it to enter into meaningful negotiations, without preconditions, with representatives of His Holiness the Dalai Lama to peacefully resolve the issue of Tibet.

He said: Honourable senators, I rise to speak to this time sensitive motion dealing with the Prime Minister's visit to China next month. The house will likely recess in the next few days and I was hoping to gain your support on this motion.

The motion speaks to the great concern that I and many others have about the situation in Tibet. It is truly a tragic situation that spans some five decades and has resulted in great suffering for the Tibetan people. His Holiness the Dalai Lama is committed to a peaceful solution to the conflict in Tibet. His tireless efforts, thus far unsuccessful, have not only earned him the Nobel Peace Prize but also won him the respect, admiration and support of people worldwide, including the people of Canada.

Yet, despite repeated overtures from the Dalai Lama, Beijing has thus far refused to enter into a meaningful dialogue with the Dalai Lama's representatives. Therefore, the future of the Tibetan people and their culture remains in peril.

Honourable senators, China is galloping toward the 21st century and will have to, at some time, adopt the world's practice of rights, values and freedoms. I believe strongly that the Chinese people, when free to do so, will embrace these values. We have seen that many times, particularly in this country. During his visit to Canada last April, His Holiness stressed the need to engage the Chinese leadership in a conciliatory and non-aggressive manner. I respect his wishes and leadership.

Prime Minister Martin has indicated that he intends to put the human rights issue on the agenda when visiting our trading partners. His scheduled visit to China in January 2005 will provide an opportunity to highlight Canada's international reputation as a peacemaker and defender of human rights. Moreover, with our special relationship with China, we are in a unique position to step forward and make a difference. I hope that the Prime Minister will use his visit to China as an opportunity to firmly present the case for meaningful negotiations between the Chinese government and representatives of His Holiness.

This motion is a plea to our Prime Minister to put the item on the agenda when he meets with China's leaders. The moral weight that the passage of this motion carries will provide our Prime Minister with additional ammunition and support for intervention with the Chinese leadership on behalf of a just cause.

I urge senators to support this motion, which I hope can be disposed of today.

On motion of Senator Rompkey, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY MATTERS RELATING TO AFRICA

Leave having been given to proceed to Item No. 67:

Hon. Peter A. Stollery, pursuant to notice of December 7, 2004, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters; and

That the Committee submit its final report to the Senate no later than June 30, 2006.

He said: Honourable senators, I yield to Senator Stratton.

Hon. Terry Stratton (Deputy Leader of the Opposition): Perhaps Senator Stollery can tell us, with respect to the committee's proposed study, if the budget has been approved by Internal Economy? If so, what is that budget? Is travel involved? Is there anything else pertinent to this study that is unusual?

Senator Stollery: Honourable senators, a budget has not been approved. We are preparing a budget for this fiscal year, but we do not contemplate travel before the end of this fiscal year. As

honourable senators are aware, our expenses in Ottawa are minimal. To date, we have been working with our emergency budget, and anything contemplated by this motion will not be dealt with in this fiscal year.

Senator Stratton: Is it correct to say that the approval of the budget for this study is being sought in the next fiscal year, and that has yet to be approved?

Senator Stollery: Yes. I would not want to mislead anyone. The committee has agreed to this motion. Any costs will not be incurred in the current fiscal year.

Senator Stratton: Thank you.

The Hon. the Speaker pro tempore: Is the house ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I request leave to revert to Senate Public Bills and proceed with the Order Paper?

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

• (1550)

[Translation]

THE SENATE

RULES OF THE SENATE— MOTION TO CHANGE RULE 135—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada. —(Honourable Senator Robichaud, P.C.)

Hon. Pierre Claude Nolin: Honourable senators, I thank Senator Robichaud for letting me speak on this motion standing in his name. I listened with great interest to the speech Senator Lavigne made when he presented his motion. I have fresh in mind the circumstances surrounding his being sworn in as a senator. There is no doubt that what he did on that occasion needed to be corrected. He did so very gracefully. This open-mindedness on his part has to be recognized.

We must understand his motivation behind presenting this motion. I support this motion, and I will tell you why. Twice in Canada's history — some of you served with me in the trenches then — we have had, as Quebeckers, to show our allegiance to Canada. Twice we succeeded. I think that it is right and proper for new senators to swear allegiance to Canada upon their appointment.

I have heard it said that Senator Lavigne wants to change the Constitution of Canada. That is not the case. Neither the Constitution, nor its schedules. Yes, the oath we take upon becoming senators is found in the schedules to the British North America Act.

Senator Lavigne is moving an amendment to the *Rules of the Senate*, by adding a second oath, the oath of allegiance to Canada. Honourable senators, I ask you to support this measure. I think it would be reasonable. Some might wonder how it is that we do not already have such an oath. I consider it just and reasonable to support Senator Lavigne's request.

On motion of Senator Robichaud, debate adjourned.

FLAWS IN DELIVERY OF GUARANTEED INCOME SUPPLEMENT PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the

basic flaws in the delivery of the Guaranteed Income Supplement program for low-income seniors.—(*Honourable Senator Ferretti Barth*).

Honourable Eymard G. Corbin: Honourable senators, our dedicated and assiduous colleague, Senator Ferretti Barth, is well known for her keen interest in people in need, particularly low-income seniors. As you know, her work in the community is exemplary. Our colleague will unfortunately be absent from the Senate for some time. With your permission, I would like to remind her of our friendship and offer her our best wishes.

She had offered to speak shortly. This proved impossible under the circumstances. Having been duly authorized by our colleague, I move today that the debate on the inquiry of Senator Downe be adjourned in the name of Senator Ferretti Barth.

On motion of Senator Corbin, for Senator Ferretti Barth, debate adjourned.

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: It is approaching four o'clock, honourable senators.

Hon. Bill Rompkey (Deputy Leader of the Government): I was about to move the adjournment, but if honourable senators want to see the clock, that is fine. I would very much like to move that the Senate do now adjourn.

Hon. Senators: Agreed.

The Senate adjourned until Thursday, December 9, 2004, at 1:30 p.m.

CONTENTS

Wednesday, December 8, 2004

	PAGE		PAGE
SENATORS' STATEMENTS		National Defence	
Tributes		Sale of Surplus Equipment.	
The Honourable Herbert O. Sparrow.	441	Hon. Terry Stratton	448
Hon. Jack Austin	441	Hon. Jack Austin	448
Hon. David Tkachuk	442	Transport	
Hon. Pana Merchant	442	Airport Security—Loss of Uniforms.	
Hon. Gerry St. Germain	442	Hon. Gerry St. Germain	448
Hon. David P. Smith	443	Hon. Jack Austin	448
Hon. Leonard J. Gustafson	443	Hon. Noël A. Kinsella	449
Hon. Jean Lapointe	443	Hon. Colin Kenny	449
Hon. Anne C. Cools	444	Delayed Answer to Oral Question	
Hon. Joyce Fairbairn	444	Hon. Bill Rompkey	449
Hon. Ione Christensen	444	Agriculture and Agri-food	
Hon. Lorna Milne	445	Bovine Spongiform Encephalopathy—Aid to Cattle Industry.	
Hon. Herbert O. Sparrow	445	Question by Senator St. Germain.	
		Hon. Bill Rompkey (Delayed Answer)	449
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Agriculture and Forestry		Canada Education Savings Bill (Bill C-5)	
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.		Second Reading.	
Hon. Joyce Fairbairn	446	Hon. Wilfred P. Moore	450
The Senate		Hon. Noël A. Kinsella	451
Notice of Motion to Urge Government to Condemn and Initiate Measures Against the Government of Burma for Its Undemocratic Actions.		Hon. Madeleine Plamondon	453
Hon. Mac Harb	446	Referred to Committee	453
Foreign Affairs		Tax Conventions Implementation Bill, 2004 (Bill S-17)	
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.		Third Reading	453
Hon. Peter A. Stollery	446	The Estimates, 2004-05	
Transport and Communications		Report of National Finance Committee on Supplementary Estimates (A) Adopted.	
Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.		Hon. Donald H. Oliver	454
Hon. Joan Fraser	446	Hon. Jack Austin	455
Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.		Hon. Pierre Claude Nolin	455
Hon. Joan Fraser	446	Hon. Lowell Murray	455
QUESTION PERIOD		Visitor in the Gallery	
National Defence		The Hon. the Speaker <i>pro tempore</i>	
Location of New Headquarters.			
Hon. J. Michael Forrestall	446	The Senate	
Hon. Jack Austin	446	Motion to Urge Government to Urge China to Resolve Tibet Issue—Debate Adjourned.	
Troops on Assignment in Foreign Theatres.		Hon. Consiglio Di Nino	
Hon. Consiglio Di Nino	447		
Hon. Jack Austin	447	Foreign Affairs	
Increase in Troops.		Committee Authorized to Study Matters Relating to Africa.	
Hon. Consiglio Di Nino	447	Hon. Peter A. Stollery	458
Hon. Jack Austin	447	Hon. Terry Stratton	458
Public Safety and Emergency Preparedness		Business of the Senate	
Security Agencies—Funding of National Security Investigations.		Hon. Bill Rompkey	
Hon. David Tkachuk	447		
Hon. Jack Austin	447	The Senate	
		Rules of the Senate—Motion to Change Rule 135—Debate Continued.	
		Hon. Pierre Claude Nolin	
		Flaws in Delivery of Guaranteed Income Supplement Program	
		Inquiry—Debate Continued.	
		Honourable Eymard G. Corbin	
		Business of the Senate	
		Hon. Bill Rompkey	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA
Y1
-D32

Library
FEB 16 2005



CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 25

OFFICIAL REPORT
(HANSARD)

Thursday, December 9, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, December 9, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

JOHN HUMPHREY FREEDOM AWARD

CONGRATULATIONS TO 2004 RECIPIENT GODELIÈVE MUKASARASI

Hon. Joseph A. Day: Honourable senators, I rise today to remind you that tomorrow, December 10, is International Human Rights Day. To mark this important occasion, I want to bring to your attention the acts of a woman whose works have struck a chord the world over — Rwandan activist Godeliève Mukasari, this year's recipient of the John Humphrey Freedom Award presented by Rights and Democracy.

Honourable senators will recall John Humphrey was the author of the first draft of the Universal Declaration of Human Rights. He was a native son of my hometown of Hampton, New Brunswick, and it is fitting that a human rights award should be named in his honour.

As a prelude to receiving her award, Ms. Mukasari visited the John Peters Humphrey Foundation in Hampton last week, an organization with which I am pleased to have an association.

Each year the John Humphrey Freedom Award is presented to an organization or an individual for exceptional achievement in the promotion of human rights and democratic development.

[Translation]

This year's recipient, Godeliève Mukasari, will receive the award this evening in a special ceremony at the Museum of Civilization.

[English]

Canadians heard a great deal about the acts of genocide that occurred in Rwanda a decade ago. Eight-hundred thousand people were murdered in a 24-hour period as the United Nations force led by Canadian General Romeo Dallaire, which was poorly equipped and lacked proper direction from the United Nations, was unable to intercede.

After 10 years one might expect some degree of closure to that devastating event. However, there are other victims in Rwanda who have been forgotten victims of the genocide. They were the women of Rwanda, for whom the terror lives on. Their story is only recently being told, thanks to the efforts of Ms. Mukasari.

During the genocide, Rwandan women were purposely being infected with HIV/AIDS. This planned annihilation was committed by soldiers infected with the HIV virus with the intent of infecting their rape victims.

In the minds of those responsible for the genocide, these actions were tremendously effective for a number of reasons. A woman who was raped and infected with the HIV virus became a potential source of transmission to any future sexual partners. She would then give birth to children whose chances of survival were next to nil, and she would eventually die herself.

In addition to being infected with HIV/AIDS, many of these women have other health problems associated with the traumatic experience of rape — rape which often occurred in public on the main streets and in hospitals and in churches. Nothing was done to protect the citizens or to stop those acts from occurring.

Honourable senators —

The Hon. the Speaker: I regret to advise that the honourable senator's time has expired.

INTERNATIONAL HUMAN RIGHTS DAY

Hon. A. Raynell Andreychuk: I, too, would add my words of congratulations to this year's winner of the John Humphrey Freedom Award. It was well deserved.

As has been stated, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which has become a universal standard for defending and promoting human rights. As we began to understand our rights, it became patently clear that those who need the protection of the universal declaration were the least able to utilize these rights.

First, the United Nations conducts its affairs in six official languages. Many people in small villages using dialects without benefit of education or international understanding simply were not aware of their rights. In many cases, repressive regimes have taken steps clearly contrary to citizens. Therefore, the issue of education on the universal declaration and the need to adhere to human rights' standards internationally became the imperative.

Consequently, International Human Rights Day, 2004, is dedicated to human rights' education. World leaders will meet in the United Nations General Assembly to mark the end of the United Nations' Decade for Human Rights Education, 1995 to 2004, and there they will discuss possible future initiatives for the enhancement of human rights' education worldwide.

It is expected that a world program for human rights' education will be implemented, with the first phase of the program to run from 2005 to 2007, being devoted to human rights' education in the primary and secondary school systems.

As Prime Minister Martin has indicated, he has put on the agenda the duty to protect citizens as a prime responsibility of governments. It is imperative that the best opportunity to avail citizens of their rights is to inform them, to educate them, and to allow them to act in concert with the international community to gain these rights.

I urge Canada to support this endeavour in the primary and secondary schools.

THE SENATE

PREPARED SPEECHES
BY DEPARTMENTAL OFFICIALS—SPEECH ON
SECOND READING OF BILL C-4

Hon. Gerard A. Phalen: Honourable senators, I rise today to tell you that I am very disappointed and upset to see in this morning's papers all across Canada that I have been called a plagiarizer. The dictionary describes plagiarism as "passing off the thoughts of another person as one's own."

I delivered to this chamber a speech that I believed at the time had been prepared for my use in this chamber. My colleagues on the other side pointed out yesterday that they were not questioning the senators but instead the process, yet it is clear now that it is the senators' integrity that is in question.

• (1340)

When I was asked to sponsor this legislation, I undertook to learn about the need for this convention and protocol and the processes that had brought forward this legislation. I not only read the binders of information but met with department officials and staff and was briefed on the bill and, I underline, the prepared speech.

As most senators will know, when senators are asked to sponsor bills in this chamber, we are provided with briefing information, and, to the best of my knowledge, almost always a prepared speech. Although you may be sure that I will bring my feelings of disappointment to the attention of the departmental staff and the minister, I would like to point out that when I read this prepared speech, I found the need for this legislation very well explained.

This legislation had been years in the making and was greatly supported by all sides of the air transport industry. In the end, I continue to support this legislation and hope that my colleagues on the other side will deal with its very important substance as we continue second and third reading debate.

ENDANGERED SPECIES

Hon. Donald H. Oliver: Honourable senators, a respected group of scientists, the Committee on the Status of Endangered Wildlife in Canada, recently added 114 new species of wildlife to its endangered list. There are now 455 species of plants and animals in Canada that share this dubious distinction. We need to act now to ensure that our endangered wildlife does not disappear forever.

In spite of the fact that 83 per cent of Canadians support the protection of wildlife and their habitats, no federal legislation exists to protect endangered species. Out of the 12 provinces, only Ontario, Quebec, New Brunswick and Manitoba have legislation, but the effectiveness of any legislation, of course, depends on its enforcement.

With this in mind, I was alarmed to learn on CBC Radio last weekend that Nova Scotia's striped bass population was also added to the endangered species list. Any avid fisherman will know that striped bass are as native to Nova Scotia as Atlantic

salmon or speckled trout, but currently there is no organized group of conservation-minded anglers in Nova Scotia to protect our striped bass and ensure that future generations can experience this fantastic game fish.

The striped bass is not the only species on Nova Scotia's endangered list. The Blanding's turtle is also endangered, that is, everywhere but the area around Pleasant River in Queens County, Nova Scotia, where a large group of these endangered turtles have decided to make their habitat. According to Ducks Unlimited, the Pleasant River area in Nova Scotia presents an ideal breeding ground for these rare turtles, who favour plant-filled marshes, ponds and creeks.

The Blanding's turtle is extremely unique. Its shell tends to be spotted or streaked with greyish yellow and has a high, domed shape that resembles an army helmet. The plastron, or bottom part of the shell, is yellow with symmetrically arranged black patches. Their head and neck are yellow on the underside.

Besides the North Queens area, the only population of Blanding's turtles known to exist in Canada is found in and around Nova Scotia's Kejimikukik National Park area. There, the population is believed to be around 100 to 180 turtles. Since 1973, the Province of Nova Scotia has considered this species at risk. That is because human destruction of nest sites, coupled with Nova Scotia's unpredictable climate, has prevented eggs from properly developing.

Indeed, habitat destruction is cited as the greatest contributor to the extinction of wildlife species in Canada. It is a factor in 80 per cent of all extinctions. Without the proper environment to live in, with a source of food, water and shelter, life cannot exist.

In conclusion, honourable senators, let us take every step that we can to ensure the preservation of not only the Blanding's turtle, but all endangered species across Canada. Let us work together with environmental groups to make ecological conservation a priority. Let us ensure that future generations of Canadians enjoy all the species of plants and animals that our country has to offer.

FOREIGN AFFAIRS

SUDAN—UPDATE BY SPECIAL ENVOY

Hon. Mobina S. B. Jaffer: Honourable senators, this year I have visited Sudan three times, including the remote areas where the Sudanese are living. I also travelled across Canada to brief Canadians and the Canadian Sudanese.

In May, we worked hard with other countries impressing upon the government of Sudan and the southern rebels that it was important that the framework agreement for peace between the government of Sudan and the southern rebels be signed. I am pleased to tell honourable senators that I was present in Kenya at the signing of this framework agreement.

In June, I visited internally displaced camps in Nyala and El Jemina in Darfur. What I saw has changed my life forever. Now, I look for sleep. I also met with tribal and religious leaders of Darfur. Canada will be working with these leaders to find ways to achieve peaceful solutions to the challenges in Darfur.

In September, with Minister Carroll, I visited Sudan and the region, and at that time I was invited to do further work with the Sudanese. I have been able to do all this work with the great support of my leader in the Senate, Senator Jack Austin. Thank you, Senator Austin, for your support.

The African Union is playing a very important role in peacekeeping, and I am pleased to inform honourable senators that in September, after discussions with Chairman Konare of the African Union in Addis, we are now working in partnership with the African Union to deploy troops in Darfur. We are also providing resources for helicopters. Last month, these helicopters were also involved in rescuing 41 workers in Darfur.

In November, Prime Minister Paul Martin, Senator Lynch-Staunton, Senator Comeau, Senator Chaput and I visited Khartoum. The Prime Minister was able to negotiate humanitarian access to the whole of Sudan. This was a great breakthrough. From Khartoum I travelled to the very remote areas of southern Sudan, where I stayed in tents and met with Mr. Garang, chairman of the southern rebels.

With God's grace, hopefully a peace agreement will be signed at the end of this year.

Honourable senators, you will shortly receive a detailed report from me on the situation in the Sudan and our country's work in the region.

There have been some questions of my compensation for my work in Sudan. I receive the same compensation as you, and my expenses are paid as are all senators when travelling on behalf of our country.

However, honourable senators, there is one extra compensation that I do receive. I get to represent our great country in my continent of birth. Thirty years ago, I arrived in Canada as a refugee with my life in tatters. Canadians, and especially Canadians like the Honourable Thomas Dohm, my law partner of 26 years, and Senator Fitzpatrick helped my family and I to rebuild our lives. Today, as a Canadian, I proudly represent all of us. I am truly blessed to have this opportunity to say I am Canadian.

THE LATE DAVID VIENNEAU

Hon. Jim Munson: Honourable senators, I rise today to pay tribute to a former colleague of mine and a member of the National Press Gallery and a wonderful friend, David Vienneau.

How I will miss this man! How Canadians will miss this man! How his family will miss him! He has been a weighty presence in Canadian media for more than two decades, first working as a reporter and then later as a bureau chief. He was a reporter of great integrity who looked for the facts and let the story build from there. He covered stories others would have avoided, and, as a result, Canada took action against war criminals.

He earned the respect of his peers and of no less than four of Canada's prime ministers, and, of course, he won many awards.

[Senator Jaffer]

He moved with great agility between different media and was one of the first to handle a newsroom of both print and broadcast journalists. He was the bridge that brought these two factions together, and he helped them work effectively.

He was a complete professional who loved his job, but, most of all, loved his family. It is shocking to lose someone so young and so quickly. His friends and colleagues all feel robbed. We need him still and are not ready to go without his warmth, his honesty and his humour.

• (1350)

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM ACT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 57(1)(d), I give notice that, two days hence, I will move:

That a Special Committee of the Senate be appointed to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (S.C. 2001, c.41);

That, notwithstanding rule 85(1)(b), the special committee comprise nine members, namely the Honourable Senators Andreychuk, Day, Fairbairn, Fraser, Harb, Jaffer, Joyal, Kinsella and Lynch-Staunton and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings *in camera* for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That the committee submit its final report no later than December 18, 2005, and that the committee retain all powers necessary to publicize its findings until December 31, 2005; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that any report so deposited be deemed to have been tabled in the Chamber.

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-22, to amend the Canada Elections Act (mandatory voting).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Harb, bill placed on the Orders of the Day for second reading Thursday next.

GENERAL SYNOD OF
THE ANGLICAN CHURCH OF CANADAPRIVATE BILL TO AMEND ACT OF INCORPORATION—
PRESENTATION OF PETITION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a petition from the General Synod of the Anglican Church of Canada, of the city of Toronto in the province of Ontario, praying for the passage of an act to amend the act of incorporation of the General Synod of the Anglican Church of Canada.

QUESTION PERIOD

NATIONAL DEFENCE

LOCATION OF NEW HEADQUARTERS—
SALE OF SURPLUS EQUIPMENT

Hon. J. Michael Forrestall: Honourable senators, I have a question for the very soon to be dean of our august assembly. In *The Ottawa Sun* today there is an article that says, On July 14, 2004, the deputy minister of DPW, Mr. David Marshall, wrote to the Deputy Minister of National Defence to indicate a positive potential for the purchase of the JDS complex as a site for National Defence Headquarters. Earlier this fall the Deputy Minister of National Defence said he had to see the Ethics Commissioner over a possible move of the headquarters to the old RCMP proving grounds.

I have asked about this issue in the past. Yesterday I asked about the proposed purchase of the lands near the casino in Gatineau for the same purpose. Today I ask the Leader of the Government in the Senate: Is the Department of National Defence still considering a move of its National Defence Headquarters and, if so, when are they planning to move it and to which location might it go?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am unable to provide Senator Forrestall with an answer because it has not been provided to me. I have made the inquiries and I will provide the answer as quickly as I can.

I believe Senator Forrestall asked me about surplus military sales, and I could give him a short answer now. He asked for a short verbal answer, so I will give it.

Senator Forrestall: Please.

Senator Austin: The Department of National Defence believes it is fiscally prudent to dispose of military vehicles and equipment surplus to our needs that have reached the end of their shelf life. Canada, however, very closely controls the sale of such military hardware and does not sell to nations that pose a threat to this country or our allies, to those involved in any form of hostilities or to those under UN sanctions or those with a persistent record of human rights violations.

Senator Forrestall: I appreciate the response. I was not the one who directly put that question to the minister, but I appreciate the response.

I asked the Leader of the Government a question about National Defence Headquarters. Can the honourable leader tell us if the government is currently in negotiations for any site of the three I mentioned or any other site, and, if so, with whom and at what stage are the negotiations? He will appreciate the concern about this matter, as it has been dragging on for some time. The people of Barrhaven are in an upbeat mood, with no indication of whether it is a justified exuberance. One hates to mislead by conjecture and second guessing. It follows that people should know as much as possible so they do not get their hopes too high without strong reason.

Senator Austin: I certainly have made that representation to the Department of National Defence. I hope to have an answer for the honourable senator quite soon.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY
MINISTER—MINISTERIAL PERMIT PROCESS

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. The first of many allegations of misconduct recently levelled against the Minister of Citizenship and Immigration involved her issuing a ministerial permit approving temporary residency to an exotic dancer who volunteered on her election campaign. Other people in our immigration system who have been denied residency have subsequently questioned why that case was approved while theirs was not. I would like to specifically mention the case Senator Moore raised on Tuesday of an immigrant family in Halifax who were forced to sail into the North Atlantic last week because the department did not see fit to allow them to stay until spring when sailing conditions would be safer.

Could the Leader of the Government in the Senate tell us the criteria for issuing a ministerial permit and how, in the government's opinion, it was applied correctly in the case of the minister's campaign worker?

• (1400)

Hon. Jack Austin (Leader of the Government): Honourable senators, I can only provide a partial answer to the question. With respect to the family in Halifax about whom Senator Moore inquired, I am advised that in no way did any government official suggest that they should, or require them to, sail away from Halifax. As I said in answer to Senator Moore's question, this family is not eligible to apply for immigration status while in Canada. They were asked, as are all such people, to leave Canada. They could leave Canada by many ways, other than by their own sailing vessel, and I am advised their sailing vessel could certainly remain in Halifax.

With respect to the question relating to the Minister of Citizenship and Immigration and the basis upon which those permits are provided, I will obtain a succinct answer for Senator Stratton.

Senator Stratton: Honourable senators, having those folks sail away in their sailboat is, needless to say, inhumane, particularly when you consider that they had to sail into the North Atlantic. Why did they have to do that? Why were they not advised of their choices? That would be an interesting question to follow up on.

Honourable senators, at least one member of the other place has claimed that he was warned by two members of Minister Sgro's staff not to question her use of a ministerial permit in the case of a campaign worker if that member wanted to continue to receive ministerial permits for people in his Winnipeg riding.

Could the Leader of the Government in the Senate tell us what safeguards are in place to ensure that the Minister of Citizenship and Immigration or her staff cannot use the threat of withholding a ministerial permit for political gain or other unethical reasons?

Senator Austin: Honourable senators, it remains to be seen whether the allegation to which Senator Stratton refers is founded. I understand that the Conservative Party in the other place has made a formal complaint to the Ethics Commissioner with respect to the matter Senator Stratton has raised. I suppose that the best way in which to proceed would be to allow the Ethics Commissioner to make his inquiries and report to the House in due course.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— AVAILABILITY OF POLLING RESULTS ON LISTENING TO CANADIANS SERIES

Hon. Donald H. Oliver: Honourable senators, a few weeks ago, we learned that the Government of Canada paid \$127,000 for an opinion poll that, among other things, attempted to measure public reaction to the sponsorship scandal. That February 2004 poll was part of the Listening to Canadians series. Prior to May 2003, the government posted the Listening to Canadians polls on the Internet, albeit usually about three months later, but they were posted. This February 2004 poll was not posted on the

Internet and Canadians only found out about it when Southam News obtained a copy. The government also did not post the September and December 2003 Listening to Canadians polls on the Internet.

Could the Leader of the Government in the Senate advise why this government is less transparent than the Chrétien government, as evidenced by the fact that it has not made the results of these polls easily accessible?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not accept the comparison of transparencies between the two governments, but I will make inquiries and endeavour to provide Senator Oliver with an answer.

Senator Oliver: Honourable senators, while the minister is making those inquiries could he also find out how much that particular poll cost?

I should like to read to honourable senators information from the poll. It asks the question: When you think of the Government of Canada, who do you think of first? Among several possible answers were: the federal government departments; Prime Minister Jean Chrétien; Prime Minister Paul Martin; the Liberal Party; and taxes.

Would the Leader of the Government advise this chamber why such a poll would ask whether Canadians think of their government in terms of Jean Chrétien, Paul Martin or the Liberal Party, when an analysis of the balance of the poll was based on gender, location, education, income, visible minority status, immigration status and age?

Senator Austin: Honourable senators, I will certainly add that question to my inquiry. I should like to say, however, that many of my friends think of taxes first.

CITIZENSHIP AND IMMIGRATION

EXTENSION OF VISA OF BONDARENKO FAMILY

Hon. Wilfred P. Moore: Honourable senators, my question is directed to the Leader of the Government in the Senate and is with respect to the Bondarenko family and their attempt to remain in Canada until the spring when they will be willing to and intend to leave Canada and make an application to immigrate to Canada from outside the country.

On Tuesday of this week, I asked the Leader of the Government to request the Minister of Citizenship and Immigration to grant permission for this family to remain in Canada until the spring of 2005, during which time their ship could be properly repaired, allowing them to set sail in the North Atlantic when conditions are much more hospitable.

Does the Leader of the Government have a response to that question from the Minister of Citizenship and Immigration?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have a direct response to the question Senator Moore asked of me. I have answered as fully as I can in this Question Period.

I will say, however, that it is not a usual process — in fact, it is probably even unprecedented — for people who are not eligible to be in Canada to be able to negotiate a stay in Canada because they have a sailboat in a port in Canada.

Senator Moore: Honourable senators, this sailboat is their only asset. I am told that they have been told to get rid of it, to get the money they can for it, and fly to wherever they can go. That is not very Canadian of us.

I have read that Deputy Prime Minister Anne McLellan, who is responsible for the Canada Border Services Agency, said yesterday that the Department of Citizenship and Immigration and her agency are dealing with the family in an appropriate fashion.

Can the Leader tell me what is that appropriate fashion?

Senator Austin: Honourable senators, I have no further information for Senator Moore.

Senator Moore: Honourable senators, the bureaucrats in the Department of Citizenship and Immigration issued a deportation order saying that these people had to be out of Canada by December 14. Time is marching on. This is December 9. I would like to know that some positive effort is being made to ensure that this family receives permission to enable them to stay temporarily in Canada until, as I suggested on Tuesday, May 23, 2005, which is the long weekend when most people in Nova Scotia launch their boats because they think it is a hospitable and proper time to be sailing.

However, I am not talking to the bureaucrats. My petition is to the ministers on behalf of this family. I would like to know that these people are being dealt with in the appropriately Canadian fashion of compassion and civility. This family wants to immigrate to Canada. For the past month, the news has been full of items on immigration. Mr. Bondarenko has a Ph.D. in engineering; his wife is an English teacher in Russia and they have two young boys. If I have ever heard of an ideal immigrant family, this is it.

I want to know that we are going to do something about this before December 14. I do not want to hear on December 13 that we still do not know, that the matter is still being considered. That is not good enough.

I ask the leader to again use his office to urge the appropriate ministers to do the right thing and permit this family to stay.

• (1410)

Senator Austin: Honourable senators, I have carried Senator Moore's previous representations to the minister, and I will carry today's representation to the minister.

Obviously, I have no role in law. I have no decision-making role in this particular case. I recognize that I may tread on dangerous ground here, but immigration laws in this country indicate procedures that must be followed. Whether there is a case here for compassion, as it relates to the normal practice of compassion, I have no idea, but I will certainly carry the representation forward.

Senator Moore: Honourable senators, I would emphasize that these people are not hoping to be able to jump the queue. They know what they have to do; they are prepared to do it; and they are intent on doing it.

In law, the leader may not have the power, but I know he has powers of persuasion. Coming from a maritime province, as he does, he would be sensitive to these issues.

Hon. David Tkachuk: Honourable senators, we all know what is happening in the other place concerning the minister's behaviour regarding what is being referring to as "strippergate." Is that perhaps impeding her ability to resolve this problem?

Senator Austin: Honourable senators, I cannot take this question seriously.

Senator Tkachuk: It is a serious question.

Senator Austin: I cannot take that seriously.

FISHERIES AND OCEANS

DELAY IN WILD SALMON POLICY

Hon. Gerald J. Comeau: Honourable senators, just last week, former federal fisheries minister John Fraser warned that there is still no national plan to conserve wild salmon and no plan to prevent a repeat of the disastrous 2004 season when 1.9 million sockeye salmon mysteriously disappeared in the Fraser River. This warning comes despite the fact that DFO promised, in 1998, to develop a wild salmon policy.

Could the Leader of the Government in the Senate please account for the government's six-year delay on this crucial important policy issue, and could he use his powers of persuasion to finally get this document in place so we can start protecting the salmon?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am grateful to Senator Comeau for raising the question, which is one of great importance in my province of British Columbia. I do not, however, want to leave the impression, in starting to answer the question, that my powers of persuasion could solve the problems that have been presented to me today, particularly the wild salmon issue on the Pacific Coast.

As Senator Comeau knows, the Minister of Fisheries has appointed former Chief Justice Brian Dickson to chair an investigatory group composed of fishers, including commercial fishers, sports fishers and Aboriginal fishers. That group has been given the specific task of dealing with the question of what became of the wild salmon run in the Fraser River system last fall. It is not a judicial or quasi-judicial organization; it is, essentially, a task force and a forum for dialogue.

The problem of resolving conflicts amongst users of fish is an endemic one on both coasts, and the government has been following a policy of building consensus amongst those whose livelihood is based on the fishery. Consensus, as Senator Comeau knows, is extremely difficult to find amongst those who use the fishery.

I should like to add for the information of senators, because Senator Comeau is very much aware of it, as are members of the Standing Senate Committee on Fisheries and Oceans, that recently a report was tabled known as the Pierce-McRae report, which has suggested a cultural transfer from fish as a common resource for us all to a more proprietary state of access under a quota system, and that particular report is now very much the subject of dialogue and advocacy on the Pacific Coast.

Senator Comeau: Honourable senators, our committee is, indeed, well aware of the Pierce-McRae report, and it was the intention of the committee to carefully consider this most important and highly public policy report. We may have to reconsider our position in light of our budget constraints. In the next couple of days we will know our budget capabilities, and act accordingly.

EFFECT OF BUDGET CUTBACKS

Hon. Gerald J. Comeau: Honourable senators, Mr. Fraser, who chairs the Pacific Fisheries Resource Council, has commented that cuts to the Department of Fisheries and Oceans of \$30 million from its \$250 million annual budget are creating a situation within the department where nobody feels they can do anything and where proposals are "shut down" before they are even discussed. Fraser also stated that his council is increasingly concerned that Ottawa is now failing to meet its obligations to conserve and manage the fisheries resource.

My supplementary question is: What measures are being considered to address this urgent budget issue raised by Mr. Fraser? Would the government consider drawing on the huge surpluses that have been announced over the past number of weeks to finally restore funding to Fisheries over the last number of years and provide Mr. Regan with the kind of money that he needs to get the tools, the personnel and the science in place so that we can, finally, as a government and as Parliament, start responding to the most crucial questions being faced by fisheries all over the country?

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall give two short responses to the supplementary question. The first is that we are in the pre-budget consultation process, and the Minister of Finance is carrying out exercises both with external communities and with the departments in a review of priorities for the government. My second answer is that Senator Comeau's representation is remarkably similar to my own.

THE SENATE

PREPARED SPEECHES BY DEPARTMENTAL OFFICIALS

Hon. David Tkachuk: Honourable senators, today the *Ottawa Citizen* reported on the point of order that was raised in this place the other day. The Leader of the Government in the Senate and Senator Carstairs were quoted in that article. The quotations were from the *Debates of the Senate* of that day.

The article indicates that Senator Austin blamed the matter on departmental officials acting on behalf of ministers in support of legislation in the Senate and was quoted as telling the chamber

that they should smarten up. The former Leader of the Government, Senator Carstairs, told the Senate that the speeches were the result of laziness on the part of departmental officials who find it easier to send over a speech with modifications rather than write a second one, saying this is an issue of bad practice.

My question is for the Leader of the Government in the Senate: Is he aware of who wrote the speeches and, if they were written by bureaucrats, what action has the leader taken in cabinet regarding this matter?

• (1420)

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not report on matters that take place in cabinet, but I would assure honourable senators that strenuous representations have been made by me to the two ministers whose officials put Senator Phalen and Senator Gill in such an awkward position.

JUSTICE

EXTRADITION TO UNITED STATES OF VITO RIZZUTO—ASSURANCE REGARDING CAPITAL PUNISHMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and flows from a report in today's *Le Soleil* on a decision of Justice Minister Irwin Cotler to order the extradition to the United States of Vito Rizzuto, a presumed Mafia operative in Montreal.

Did his colleague, the Minister of Justice, get any assurance from the American authorities, particularly those in the State of New York? I understand that the Americans want to examine Mr. Rizzuto regarding accusations of gangsterism and murder. The honourable leader in this place knows that Canadian laws are in place respecting the extradition of persons to jurisdictions where the death penalty could be sought for murder. Would the minister advise this house whether the Minister of Justice has been given any assurances that the death penalty will not be sought, should proceedings be brought in any jurisdiction of the United States respecting these allegations of murder?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my understanding that assurance was sought and obtained.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers, the first a response to a question raised in the Senate on November 4, 2004, by Senator Tkachuk regarding access of foreign carriers and the second a response to a question raised in the Senate on December 7, 2004, by Senator Andreychuk regarding the process of selecting monitors for the election in Ukraine.

TRANSPORT

AIRLINE INDUSTRY—ACCESS OF FOREIGN CARRIERS

(Response to question raised by Hon. David Tkachuk on November 4, 2004)

On November 4, 2004, the Honourable Minister of Transport had an opportunity to brief the House of Commons Standing Committee on Transport concerning various matters of impending business. He has asked the Committee to conduct a detailed review of the liberalization issue. Further consultations by the Committee will be undertaken with Canadian stakeholders to identify the opportunities and risks of a more liberal air service regime.

FOREIGN AFFAIRS

UKRAINE—SELECTION PROCESS
OF ELECTION MONITORS

(Response to question raised by Hon. A. Raynell Andreychuk on December 7, 2004)

The deadline for applications is Thursday, December 9, 2004 at 5:00 p.m.

CANADEM, a non-profit agency dedicated to advancing international peace and security through the recruitment, screening, promotion and rapid mobilization of Canadian expertise, will make the final decisions as to who the monitors will be.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to deal with a ruling that was requested.

On Tuesday, December 7, when the Senate reached Orders of the Day, Senator Tkachuk raised a point of order. The senator claimed that the sponsor's speech on the motion for the second reading of Bill C-4 violated rule 46 in that, as he claimed, its content repeated in large measure a speech given by the parliamentary secretary at second reading of the bill in the other place. During the course of his remarks, Senator Tkachuk noted that much the same thing had happened as well with respect to the second reading speech on Bill C-7. As a remedy, the senator proposed that the offending speech on Bill C-4 be declared out of order and struck from the *Debates of the Senate*.

[Translation]

Senator Austin, the Leader of the Government, responded to the alleged infraction of rule 46. The senator acknowledged the importance of the rule and he agreed that it was not good practice to duplicate in substance a speech given by a minister in the other place. Nonetheless, in his view, Senator Austin did not believe that what had occurred was against the rules of this place.

[English]

Other senators also participated in the discussion of the point of order. Senator Kinsella, the Leader of the Opposition, took the position that the fault in this instance rested mainly with officials who did not adequately understand the distinctions that exist in a bicameral Parliament. Senator Cools then intervened to deplore the use of repeating speeches prepared by others. She argued that this practice was not worthy of senators. For his part, Senator Stratton questioned whether citing the speech of a parliamentary secretary, rather than a minister, fell within the meaning of rule 46. Denying that there was a point of order, Senator Carstairs joined in criticizing departmental officials who recycled speeches written for a minister or a parliamentary secretary when preparing material for the Senate sponsor of a government bill. Nonetheless, as the senator explained, since government legislation is clearly an expression of policy, the use of a speech made by a minister or parliamentary secretary in the other place, while not good practice, is permitted under rule 46. Following some additional exchanges, the Speaker *pro tempore* agreed to take the matter under advisement and reserved a decision.

I have had time to consult with the Speaker *pro tempore*, to read the *Debates of the Senate* on the point of order, and to review rule 46 and the relevant parliamentary authorities. I am now prepared to give my decision.

Rule 46 states:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

According to the *Companion of the Rules of the Senate* published in 1994, this rule dates back at least to 1975 and similar rules exist, or have existed, in the other place and at Westminster for a very long time. The *Companion of the Rules of the Senate*, on pages 138 and 139, also refers to rulings of Senate Speakers dating back to 1954 and 1956 that prohibited any attempt to allude to the debates and proceedings of the other place.

The purpose of this rule is simple. As is explained in the 22nd edition of the British parliamentary text, *Erskine May*, this constraint on the content of speeches is intended to avoid "anything which might bring the two Houses into conflict and to prevent a debate in the House of Lords becoming a continuation of a debate in the House of Commons." I should note, however, that the 23rd edition of *Erskine May*, published this year, indicates that this rule has been abolished both with respect to references to Commons speeches in the Lords and to Lords speeches in the Commons. Given this change, it appears that the threat of open conflict between the Commons and the Lords is now recognized to be more apparent than real. Be that as it may, rule 46 is still part of our practices and, as the Speaker, I am obliged to interpret its applicability when confronted with a point of order raised with respect to it.

[Translation]

As I read it, rule 46 allows that the content of speeches made in the other place during the current session can be cited in the Senate. These references, however, should be in summary form unless "it be a speech of a minister of the Crown in relation to government policy". Rule 46, therefore, actually permits the direct use of a speech made by a minister on government policy. With respect to this important exemption in rule 46, I accept the view that a government bill is an expression of its policy. Moreover, I do not think it is reasonable to read this rule in such a way that it would limit the right to cite a ministerial speech that was delivered by a parliamentary secretary for a minister. One reason why parliamentary secretaries were created was, in fact, to allow them to act on behalf of ministers. Acting in that capacity, there can be little doubt that a speech made by a parliamentary secretary for a minister is an expression of government policy. This is the critical element that provides the exemption permitted by the rule.

[English]

• (1430)

Honourable senators, in order to allow that all senators may hear, I ask for order, please.

Now, where does this leave us with respect to the allegation that the speech made by the Senate sponsor of Bill C-4 was based largely on the second reading speech of the minister in the other place? In answering this question I mean to apply it as well to the case of the speech made by the Senate sponsor of Bill C-7, since Senator Tkachuk included this second bill within the scope of his point of order on Bill C-4. Given my understanding of the rule, there is not sufficient justification to substantiate the complaint of the point of order. Indeed, as I have already stated, rule 46 expressly allows for the citation of a ministerial speech related to government policy. It may be that the text used in the Senate duplicates much that had been said in the other place, and there was much said here deprecating this practice of recycling, but it is not forbidden by rule 46.

[Translation]

Let me add, parenthetically that I agree with honourable senators who maintain that this chamber operates best when its members engage in debate that does not rely entirely on a prepared text. That is why there is a practice that discourages reading speeches, though this too is rarely enforced.

[English]

As to the point of order, I read nothing in the exchanges to suggest that either of the Senate sponsors acknowledged that they were citing a ministerial speech previously used in the other place. To my mind, this raises two possible alternate explanations. One, they were not informed that their speeches prepared with the assistance of government officials used material of earlier speeches. Alternatively, either or both Senate sponsors gave speeches that they accepted as an expression of their views on their respective bills. Either possibility would make an acknowledgement that their remarks cited the text of a

ministerial speech unlikely. Even if there had been an acknowledgment, for the reasons I have already explained, it would not constitute a breach of rule 46 to justify the point of order.

Honourable senators, I wish to make one final comment before we resume debate. The remedy that Senator Tkachuk proposed had the point of order been sustained was that I, as Speaker, strike the offending text from the *Debates of the Senate*, that I effectively expunge it from the record.

Honourable senators, if conversations could take place outside of the chamber as they normally do, I would appreciate it.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: In point of fact, rule 46 does not give the Speaker such an authority. There is nothing explicit in the rule to allow this. Had there been a violation of rule 46 and had I been aware of it, or had the Speaker *pro tempore* been aware of it, as it was occurring, my authority would have been limited to counselling the senator to refrain from citing the House of Commons speech. As to an after-the-fact point of order, my authority would be limited to deprecating the violation. Rule 46 does not provide for the suppression of an offending speech. Such a measure could only be made by the Senate itself on motion.

Accordingly, it has been my ruling that no point of order has been made on the basis of a breach of rule 46 and second reading debate on Bill C-4 and Bill C-7 can continue.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in our gallery of guests of Senator Sibbeston: Grand Chief Joe Rabesca; Elders Alexie Arrowmaker, Harry Simpson, Joe Migwi, Jimmy B. Rabesca; and Chiefs Charlie Nitsiza, Archie Wettrade, Clifford Daniels and Joseph Judas.

Welcome to the Senate.

CANADA EDUCATION SAVINGS BILL

REPORT OF COMMITTEE

Leave having been given to revert to Reports from Standing or Special Committees:

Hon. Jeremiah S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 9, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-5, An Act to provide financial assistance for post-secondary education savings, has, in obedience to the Order of Reference of

[The Hon. the Speaker]

Wednesday, December 8, 2004, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

APPENDIX

Bill C-5, An Act to provide financial assistance for post-secondary education savings

Observations of the Standing Senate Committee on Banking, Trade and Commerce

Your Committee notes that the Bill does not address concerns about financial and other supports for post-secondary education, and urges the appropriate Senate Committee to study, and recommend solutions, to these concerns.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Moore, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would like to call the following bills in the following order today: Bill C-14, Bill C-4, Bill C-7 and Bill S-18.

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Nick G. Sibbetson moved second reading of Bill C-14, to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts.

He said: Honourable senators, many of the leaders of the Tlicho people who are here today are from the Northwest Territories and speak the traditional Dene language. To make them feel comfortable and know that they are welcome here in the Senate, I would like to say in my own Dene language a few words of greeting. In that way, they will know that their voice can be heard in the Senate of Canada.

[Senator Sibbetson spoke in his native language.]

Honourable senators, I am pleased and honoured to speak today as the sponsor of Bill C-14, the Tlicho land claims and self-government bill. This bill would put into effect the Tlicho

agreement, which has been negotiated between the Tlicho people, the Government of Canada and the Government of the Northwest Territories.

The Tlicho people ratified this agreement with 84 per cent approval among the 93 per cent of eligible voters who came out to vote. All parties were present.

I was honoured to be present in August of 2003 when the then Prime Minister of our country, Jean Chrétien, the then Premier of the Northwest Territories, Stephen Kakfwi, and all of the Tlicho leaders were present to sign the final agreement that we are dealing with here today. The Government of the Northwest Territories passed legislation approving the agreement. Current N.W.T. Premier Joe Handley said that we "are committed to Aboriginal people having greater self-determination, increasing their independence and returning the rightful control of land to its original owners." When passed, this bill will serve as federal ratification of the agreement.

• (1440)

The Tlicho people live in the Northwest Territories. They are about 3,500 in number. They live in the area of Great Slave Lake. Their land and area go up to Great Bear Lake, east and north to Contwoyto Lake, east to the Nunavut border, and then west toward the Mackenzie River. Their traditional land comprises a large area.

The Tlicho language and culture is very strong. They use the land for hunting and trapping. Several people told me that they came back from their trap lines and were asked to come down to Ottawa to be part of the delegation. These are people who hunt, trap and use the land. I will explain later that while they are a traditional group, they are also very modern.

The Tlicho have traditionally had very good leadership and have always stressed traditional and strong educational values. A number of years ago, approximately 10 of their students were in the South attending technical and university schools. Over the last few years, they have increased that number to 130. One of their own people acts as their lawyer, Ms. Bertha Rabesca Zoe. They have made tremendous steps in education in the last few years. They have a saying that education is to educate their people so they can be as strong as two people. That is their vision as far as education is concerned.

The Tlicho are also a modern people. They have made the jump from subsistence to an industrial community. There are two diamond mines in the traditional Tlicho area.

When a project comes along that may look overwhelming and difficult, as Aboriginal people it is so easy to resist it. However, the Tlicho decided to engage these developments and have become very involved. They are at the point now where many of their people are employed. They have businesses and partnerships in all aspects of the mine: airlines, catering, security and trucking.

If one were to go to the diamond mines, one would see evidence of the Tlicho people in terms of the people working there and the businesses they have set up. It is impressive in terms of what they have been able to achieve in the last few years.

The Tlicho are proud of being fair in their dealings with other people. Historically their leader, Edzo, was very involved with the chief of the Chippewa to deal and make peace with respect to the lands in which the two tribes live.

When the Europeans first entered into the area and lands of the Tlicho, the Tlicho were very helpful. They had good relations with the Europeans. When Sir John Franklin came into that area, it was the Tlicho people who helped him. They had difficult times. Some of John Franklin's men starved, but it was the Tlicho people who helped them to get back to civilization. When Samuel Hearne was there earlier, there is evidence of the Tlicho people helping him. When missionaries and government people came along, the Tlicho were there and were always helpful and cooperative.

In 1921, the Tlicho signed Treaty 11, which is the treaty that encompasses a large number of the Northwest Territories. Chief Monfwi pointed out to the federal representatives at the time what were the Tlicho lands. Those same lands are the lands that the Tlicho people will have ownership and control over.

The Tlicho will own 39,000 square kilometres of land. There is a larger area over which they will also have control with respect to water and the lands through boards.

The path of the Tlicho has been a long one. In the 1970s there was a famous case in the Northwest Territories called the *Paulette* case. The Supreme Court, in dealing with the validity of the treaty that was made with the people in 1921, brought into question the validity of the agreement on the basis that the Dene thought they were entering into a peace and friendship type of treaty, whereas if we look at the terms of the treaty today, it uses words like "cede, release and surrender forever of all of their rights."

After visiting all of the communities and hearing the elders, some of whom were present at the time of the treaty in 1921, Judge Morrow came to the conclusion that there was not a meeting of the minds needed for making a contract and a treaty. Consequently, the federal government, in wanting to deal fairly with the Aboriginal people of the North, decided to enter into a policy of negotiating comprehensive claims with all Aboriginals — the Dene, the Metis and the Inuit. This is the process that has been adopted in the North and that has made it possible to have land claim agreements with many of the Aboriginal people in the North. While the process is not finished, it has begun. I can tell honourable senators that it has been very successful.

This comprehensive land claims policy was adopted by the federal government in 1973. In 1976, the Indian Brotherhood, which at the time was representative of all the Indian and Dene people in the North, joined with the Metis and began the process to negotiate with the federal government.

An agreement was reached in 1988 but was eventually rejected in 1990. There has been no comprehensive claim since then. With the breakdown of that negotiation, a regional form of negotiations began. This is the process that has been followed to date.

In 1984, the Inuvialuit people living in the Beaufort Sea settled their land claims. In 1992, the Gwich'in near the delta settled their negotiations. The Sahtu of Great Bear Lake finished their negotiations in 1994. The Inuit of the Eastern Arctic and the High Arctic settled their claim with the creation of Nunavut in 1999.

It is a significant achievement that Aboriginal people have the jurisdiction and the powers to run their own territories and governments.

This Tlicho claim is a result of at least 10 years of negotiations and hard work on their behalf. In 1995, the federal government adopted its policy on the inherent right to self-government. Up to this point, the federal government had only had a policy of negotiating land claims dealing with lands and resources. In 1995, they expanded the mandate to include negotiation of the inherent right to self-government.

This is the process that the Tlicho have followed. This claim we have before us deals with lands, resources and self-government — the ability to run their own lives.

• (1450)

The Tlicho agreement provides that they will own a single block of land totalling 39,000 square kilometres, including subsurface resources surrounding the four communities. While this may seem offhand as a large parcel of land, in the scheme of things — that is, the landmass that exists in Northern Canada — it is not overly big. It is not extraordinary in the sense that it encompasses a lot of the land in the North. The land in the North is so huge that 39,000 square kilometres, looks very small on a map. However, it is the land that the Tlicho and their chief, back in 1921, pointed out to the federal government representatives as being Tlicho land. It is an achievement to have that recognized today.

The Tlicho will receive \$152 million. While that sounds like a lot, it is not very much. I am sure it will facilitate the setting-up of certain institutions and their involvement in resource development. Unfortunately, part of the \$152 million will have to be paid back to the federal government because some of that money will have been spent in the process of negotiating their claim. They will also receive a share of royalties from resource development.

The Tlicho will have the ability and power to establish their own government, which will have jurisdiction over social and cultural issues, as well as such basic matters as health and education, and issues dealing with culture and language.

Bill C-14 removes the Tlicho people from the Indian Act. Is this not something? Many Aboriginal people in the country look forward to that day. This has been achieved by the Tlicho. However, all federal laws of general application such as the Criminal Code and other general laws that apply to the peace, order and good government of our country will apply. Territorial laws of a general nature will also apply to the Tlicho government. Territorial laws that implement Canada's international obligations will also take precedence. In other cases, especially in matters particularly affecting the Tlicho people, Tlicho laws

will prevail. Most important, like other Canadians, the Tlicho will continue to be subject to the Charter of Rights and Freedoms.

The Tlicho constitution will define the roles and responsibilities of the Tlicho government. It will protect the democratic rights and freedoms of all those living on Tlicho lands, including non-Tlicho residents. It is based on the principles of political and financial accountability, and ensures that all Tlicho laws are open to legal challenge. Each community will also have its own community government established by territorial legislation. Each government will be run by a chief and a council of four to 12 members, half of whom must be Tlicho citizens. Non-Tlicho residents in the community will also be eligible to vote and to run for office.

Honourable senators, I believe there is a concern for the plight of Aboriginal people. There is consciousness of and concern for their welfare and well-being. I believe that non-Aboriginal Canadians want Aboriginal peoples to have the same standard of life — the healthiness, the education, the jobs, and the economic opportunities — that they enjoy.

I am sure Canadians ask: How can we achieve this? How can this be done? In the Northwest Territories, through the land claims process and through the progress that we have made in the last decades in establishing democratic government in the North, Aboriginal people are accomplishing an improved standard of living. They are engaged in all aspects of Northern society. This is made possible through the land claims process, where Aboriginal land claims are settled and the people have entitlement to lands and money and can set up their own government so that they have the ability to govern themselves.

Honourable senators, as you know, our committee has started its study on the involvement of Aboriginal peoples in economic development activities in Canada, with particular emphasis on the aspects and the elements that lead to Aboriginal success in business. From the evidence of the few witnesses we have heard thus far, it has come to light that jurisdiction and good governments with the ability to make decisions are some of the key elements that are necessary for Aboriginal success. What does this tell us? It tells us that, if Aboriginal people are to succeed in our society, they must have jurisdiction. They must have governance. These are the tools that we will be giving to the Tlicho people.

Honourable senators, the known benefits of self-government are numerous. Self-government produces open, transparent and accountable government. It will give pride, hope and control to the Aboriginal people — the elements they need for their successful future. Self-government attracts investors and business partners and fosters economic growth. This has been the experience to date. It encourages self-reliance and leads to improved housing, employment and quality of life. It builds capacity and ensures a sustainable and stable economy. It enables Aboriginal communities to participate fully in the national economy.

Honourable senators, once approved by the Senate, Bill C-14 will send a clear signal to the Tlicho and to all Aboriginal peoples in this country that we as a country are serious about working with them to support their vision of a better future for both their

families and their communities, and that we are committed, as a society, to establishing a new relationship based on mutual respect.

Honourable senators, this claim involves large tracts of land. It involves the establishment of a government. Borders are involved. I am amazed, impressed and encouraged that all of these revolutionary changes can happen in our country, and that they can all happen without a lot of turmoil and without a single arrow being shot, without a single harpoon being thrown, without a single shot being fired. It is amazing that we have a country such as this, where these things can happen.

I was present when we held a reception for the Tlicho yesterday. Grand Chief Rabesca told me that the four Tlicho communities in the North have been carefully and conscientiously following the proceedings. Televisions had been set up in all the community halls. Once they saw the bill in the House of Commons pass third reading the other day, there began a big parade of vehicles. Every vehicle in the community joined in the parade which went through the town and circled the community. They then held prayers and thanked their creator, God, and thanked you, as Canadians. They were thankful that this could happen. They also held a feed the fire ceremony and had drum dances late into the night.

• (1500)

The Tlicho have celebrated at least one step in the passage of this bill. I know that in due course — maybe next week, if we all cooperate, or perhaps in February — when the Senate, after careful consideration, decides to pass Bill C-14, the Tlicho will be very happy and there will be another round of celebration.

Honourable senators, I commend Bill C-14 to you and look for your support.

On motion of Senator Stratton, for Senator St. Germain, debate adjourned.

THE LATE HONOURABLE PHILIPPE DEANE GIGANTÈS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, I bear sad news. I regret to inform you of the death of one of our former colleagues, the Honourable Phillipe Gigantès. Please rise and observe a minute of silence.

Honourable senators then stood in silent tribute.

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Hubley, for the second reading of Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

Hon. David Tkachuk: Honourable senators, I am tempted to rise and simply ask the Senate to adopt the speech of the responder of my party in the other place, but I will not do that.

Senator Murray: You can do better than that.

Senator Tkachuk: I will address Bill C-4, which has an interesting short title — International Interests in Mobile Equipment (aircraft equipment) Act. It amends four major acts of Parliament, which include the Bank Act, the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Winding-up and Restructuring Act, and begins Canada's ratification process of an international convention and protocol.

Whenever I am told that a bill is technical in nature and that it received unanimous support in the other place, I have learned that I need an extra bit of time to prepare myself — nothing is ever as it seems — to ensure that this legislation is in the best interests of Canadians as consumers, stakeholders, investors, creditors and taxpayers.

I believe that this bill, once ratified by both the federal government and each of the provinces, will benefit Canadian businesses in the aircraft industry, which benefit from lower rates for credit. Companies like Pratt & Whitney, Bombardier, WestJet, Air Canada and businesses that work with them will see a lowering of the cost of credit.

In addition, the ratification of the convention and protocol will give greater security to those investors who become creditors in that same field, whether they are investing in Canadian businesses or in other countries that are part of the convention and protocol. A lending agency such as Export Development Canada comes to mind. It could benefit from a lessening of the security risk. However, there are others as well. Once Canada ratifies the convention, foreign investors in Canadian businesses will likely see greater opportunities for investment in the Canadian aircraft business.

The current international convention and protocol has only been ratified by five countries, but one of these countries is the United States, which is very encouraging and speaks to the soundness of the international plan. Although Canada signed the convention and protocol in March 2004, before we can ratify, federal implementation legislation must be passed, which is the purpose of Bill C-4. In addition, because securities law is an area of provincial and territorial jurisdiction, the provinces need to pass implementation legislation of certain terms of the agreements.

I have been told it is not necessary for all provinces to adopt implementing legislation before Canada can ratify, and to date only Ontario and Nova Scotia have done so. In fact, the number of provinces and territories required will be determined by cabinet.

I will ask the Minister of Transport when he appears before a Senate committee on this bill why this decision should be left to cabinet. For the sake of transparency, I believe it should be outlined in the legislation or in regulations; however, this can be accomplished procedurally.

One of my main concerns is with respect to Quebec and when it will put this convention and protocol on its legislative agenda, since Quebec has thousands of businesses in the aircraft industry and has the lion's share of Canada's aircraft industry with Bombardier, Air Canada and Pratt & Whitney. In addition, Alberta is home to WestJet, another Canadian success story. I hope that this government will wait at least until implementation legislation is passed in Quebec and Alberta, since these provinces are large stakeholders with thousands of employees and investment dollars as part of their provincial economies.

I see the goals of the convention and protocol, in simple terms, as being twofold. The first, which is a major part of the convention and protocol, deals with how creditors and assets are protected in the case of bankruptcy. Part of the objective of Bill C-4 is to bring Canada in line with the mandate of the convention and protocol and at the same time with the U.S. aviation sector and how the U.S. offers bankruptcy protection. Because aircraft are mobile — planes or helicopters can be in different countries at a time when bankruptcy protection is established — there is quite a financial risk to the major creditors if the assets are in another country, such as Uganda, for example, when a company goes bankrupt.

Bill C-4 will introduce a maximum 60-day stay period in the event of a default. In other words, the countries that agree to this and pass the implementation legislation will agree to a 60-day wait period in the country where that particular aircraft is situated when the bankruptcy takes place.

The reality has been that assets have often been frozen for much longer periods of time, months beyond the 60-day freeze, the knowledge of which had the ability to put a chill on potential investment opportunities. As honourable senators can tell, an aircraft would be a dangerous asset to have on a line of credit when it is flying all over the world, not knowing where it could be stranded when a bankruptcy takes place.

The second goal of the convention and protocol is to establish an international registry. This registry is like a land registry where title is registered. The difference is that it will be available to anyone who is part of the convention to research any rights of security interests — like a lien or a mortgage — on "mobile equipment," which is the legal description in the bill for airplane bodies. I asked about that because I did not know if it was like telephones, for example. What is this bill — mobile equipment? I discovered it is the term used for airplane bodies, airplane engines and helicopters.

One question I will be asking when the bill is sent to committee for study is if a country has not ratified the convention, because most have not, will it still be able to access information from the registry, which was not clear in the bill; and, if so, are there any other ways to encourage countries to sign on, beyond the potential for lower credit costs for their national interests?

At this time, the registry has not yet been set up. An international tendering process took place and a company from Ireland won that process. The company, which is called Aviareto, will establish an Internet-based registry to provide access to individuals or companies directly.

There is a working group on this project, of which Canada is an important part. I met with individuals who are involved from Transport Canada and the Department of Justice, and I believe that Canadians will be well served by their continuing efforts.

I have been assured that the consultation process in Canada has been extensive, and I have found that our industry stakeholders — the airlines and manufacturers, to name just two — are quite pleased with the legislation, especially since their recommendations for amendment were adopted. Therefore, I would like to outline the amendments made in the other place at report stage on November 15.

• (1510)

There were three amendments in total. One amendment corrected a typing error; another further clarified the definition of “creditor;” and the third amendment further clarified the obligations related to defaults in the case of bankruptcy.

Regarding the term “creditor,” and with the recent experience of Air Canada and bankruptcy protection, ensuring that the definition of creditor is crystal clear would help in any legal undertaking, likely saving both time and money. To further explicating the definition of “creditor,” wherever the word “creditor” is found in the bill, lessors of aircraft objects and conditional sellers of aircraft objects who hold security in aircraft objects against debtors have been added.

There is no question in my mind that that clarifies “creditor.”

Regarding the third amendment, which has to do with the intent of “defaults,” with respect to defaults on obligations by the debtor, the description of defaults was further clarified to explain defaults as those other than what constituted the situation that triggered bankruptcy protection. One example would be contracts that detail that a certain amount of liquidity should be maintained, but, obviously, in the case of bankruptcy protection, defaulting on the prescribed level of liquidity should not constitute default.

The goals of the amendments to the BIA, the Bankruptcy Insolvency Act, the CCAA, the Companies’ Creditors Arrangement Act and the WRA, the Winding-up and Restructuring Act, are to establish consistent rules for the actions of debtors and creditors in the case of insolvency. After having studied the BIA as part of our work in the Standing Senate Committee on Banking, Trade and Commerce, I can attest not only to the complexity of the law in this regard — that is where I will miss Senator Kroft, who would have been a great person to ask when we were discussing part of this — but also to the very human and individual circumstances that arise in the case of insolvencies. The goal must always be to find a fair way to share the burden in an unfortunate situation.

There is some urgency in Canada to ratify in terms of business opportunities. I understand, for example, the Ex-Im Bank — that is, the Export-Import Bank of the United States — has offered to reduce its exposure fee by up to one third to all companies that purchase large United States aircraft. That represents a substantial amount of money, considering the size of the cash they are dealing with. This reduction would be of significant interest to WestJet, and other Canadian companies interested in

purchasing, for example, a Boeing jet. The reduction of more than 30 per cent could mean a savings in the order of \$350,000 per jet, and maybe more.

In conclusion, honourable senators, I look forward to hearing from the Minister of Transport on this bill when he makes his appearance before the committee to which honourable senators decide to refer this matter. Bill C-4 is important for Canadian businesses, consumers, creditors and investors, especially to an industry that competes in the global economy. It is about security and international harmonization of enterprise, which, I believe, will be only of great benefit to our industries and citizens.

Hon. Senators: Question!

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Phalen, bill referred to the Standing Senate Committee on Transport and Communications.

[Translation]

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gill, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-7, An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, we have had very good discussions on this bill at second reading stage, with a number of senators contributing. Now I too would like to speak to Bill C-7.

Honourable senators, I cannot stress enough the importance of national parks to Canada’s identity and history. You will recall that at the end of the 1980s, Parks Canada was already part of the Department of the Environment. It was not until the early 1990s, with the creation of the Department of Canadian Heritage by the Secretary of State, that Parks Canada was transferred from the Department of the Environment to the Department of Canadian Heritage.

National parks are refuges that play an important role in the preservation of our superb landscapes. They provide us and our children with a direct link to nature. That is why it is important that we, as parliamentarians, do everything in our power to protect and improve Canada's national parks.

At first glance, Bill C-7 might seem to be strictly a housekeeping measure, a simple adjustment in the machinery of government. However, it would be good to look at these provisions more closely and examine the state of our parks and the quality of their administration by the federal government over the past few years. It is incumbent upon the government to ensure that our parks are well maintained and accessible to the public, while limiting their environmental impact.

It is entirely possible to support the transfer of Parks Canada to the Department of the Environment as a transitional measure, until a department designated by cabinet can assume responsibility for it. However, before we proceed with the adoption of Bill C-7, the potential consequences of this transfer deserve our special attention.

The Department of Canadian Heritage, which is currently responsible for Parks Canada, has the mission of working "towards a more cohesive and creative Canada," and has set the following strategic objectives: Canadian content, cultural participation and engagement, active citizenship and civic participation.

The Department of the Environment, which would assume interim responsibility for Parks Canada, has the following mission, and I quote:

— to make sustainable development a reality in Canada by helping Canadians live and prosper in an environment that needs to be respected, protected and conserved.

So, in transferring these responsibilities to Environment Canada, park administration would be based in large part on sustainable development and on environmental protection and conservation. This is no doubt a commendable objective that would greatly benefit our national parks.

• (1520)

We must hope that the various levels of governments will support this legislative amendment with a substantial program to ensure the sustainability of parks in Canada, which are surely one of our greatest assets.

But the simple transfer of responsibilities from one department to another will not resolve all the problems that might occur with regard to park administration. It is imperative that we, as parliamentarians, strike a balance between environmental protection and public access.

It is essential, for the reasons we all know, for us to be able to prevent erosion in our parks, without, however, denying access to Canadians who want to take advantage of all our parks have to offer. This matter calls for the adoption of a public interest policy.

After all, there is nothing new in the legislative amendments contained in Bill C-7. It is more a matter of reflecting an initiative that has already been implemented by the government. When the Prime Minister was sworn in last year, the change had already taken place, through an Order-in-Council. Bill C-7 is just bringing the legislation in line with the practice. In July, a further Order-in-Council came into effect relating to the responsibilities for built heritage. It was required in order to clarify the earlier Order-in-Council and to transfer the built heritage function from Canadian Heritage to Environment Canada.

Battlefields, however, will remain the responsibility of the Department of Canadian Heritage.

Honourable senators, we are debating today one of the many housekeeping bills introduced by the government to give legislative effect to the government reorganization that was announced in 2003.

With this move of Parks Canada to the Department of the Environment, the government seems to be committed to leverage the importance of environmental protection in our parks. I hope that it will follow up with a program to give full, concrete expression to this commitment.

Incidentally, not much progress appears to have been made in the creation of new national parks and marine conservation areas announced by the government in October 2002. This is another good idea for which there has been no follow up. Two years have gone by since the announcement was made, and we are noticing an obvious lack of political will on the part of the government when it comes to acting on its fine promises.

Unfortunately, this is but one among many areas where the government is lagging behind in environmental matters. Unresolved issues are numerous, as are unmet objectives and unfavourable reports showing how this government takes Canada's environment and national parks for granted.

At the end of October, Environment and Sustainable Development Commissioner Johanne G  linas tabled her report for 2004. At the beginning of the report, under "The Commissioner's Perspective", the commissioner wrote, and I quote:

The use of strategic environmental assessment is far from adequate to meet its promise in guiding policy and program development.

Honourable senators, while this indicates that the government as a whole is not doing a good job, it is particularly worrisome with respect to Parks Canada, where environmental protection needs to come first. Senior officials in the departments and the various agencies need to show some exemplary initiative and leadership in carrying out strategic environmental assessments. I beg the government to take the concerns expressed by the commissioner very seriously and to follow up on them without further delay.

[English]

Senator Rompkey: Question!

Hon. Willie Adams: Will the honourable senator accept a question?

Senator Kinsella: Yes.

Senator Adams: I have difficulty with moving Parks Canada from Canadian Heritage to the Department of the Environment, which is controlled by the Government of Canada. There is an environmental group or organization which has been lobbying the government for many years. What will happen if Parks Canada is transferred to the Department of the Environment? To me, if anyone, those would be the people interested in animal rights. Also, the department would be controlling any future parks in Canada while at the same time dealing with the related environmental issues such as water in the parks, as well as the seas. It is difficult for me. My community may some day be turned into a park. How does the honourable senator feel about that?

Senator Kinsella: I thank the honourable senator for his question. I must respond by saying that I join with him in the concerns that are implied in his question. Whether or not Parks Canada finds itself in Heritage Canada or in Environment Canada, our parks system must become more people friendly. The parks are there not as an asset in any fiscal sense, but as part of our national heritage and to enable Canadians from all corners of the country to come closer to nature. This is what drew me to look at the mission statement of the Department of the Environment to see whether the current mission statement would be able to incorporate the vision that I would have for Parks Canada. I came to the conclusion that the emphasis on sustainability and environmental development, which is part and parcel of the Department of the Environment's mission, is clearly a principle that should drive the management of our national parks system. I would insist that the officials in Parks Canada do everything in their power to make our park systems more people friendly. I would start with a complete re-examination of the fee structure. In fact, I would abolish fees. The parks should not be in the business of making money. They are part of our patrimony. Senator Adams is not talking about a municipal park; he is talking about hundreds of thousands of hectares, huge tracts of our land base, where the people are close to the land.

Our parks system must be people friendly, particularly for those communities whose whole culture is land related.

• (1530)

Senator Adams: Before the parks existed in the Arctic, there were reserve areas to which the people had access for hunting and fishing. If we pass Bill C-7, will we no longer have access to these lands.

Senator Kinsella: I am sensitive to the concern of Senator Adams. I am not a representative of the government that is promoting this bill, but in principle I find nothing offensive in moving Parks Canada back to where it used to be, which was in

the Department of the Environment. I would find it offensive, however, if there is no government follow-up on sustainable environmental development and no government follow-up on making our parks people friendly, particularly for the First Nations peoples who rely on the land and the fruits of it, including the animals they hunt for food.

There must be consistency and an integration of those concerns. Environment Canada can learn many lessons from the First Nations people, who are more hands-on about real environmental sustainability than perhaps theoreticians from the universities.

[Translation]

Hon. Aurélien Gill: Honourable senators, I would like to build on Senator Adam's question by asking whether you see any inconsistency or contradiction between hunting and fishing in a park and sustainable development, particularly if the hunting and fishing are done in the traditional way. I can tell you that, in my area, Aboriginal people can go into the parks to trap fur-bearing animals or hunt caribou or moose.

Senator Kinsella: There is no contradiction if the program is well-managed. On the contrary, a good program for sustainable development and environmental protection uses the land's resources judiciously. Those who reap the land's resources in a traditional and creative manner are the first ones to protect the environment.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: The question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Gill, bill referred to the Standing Senate Committee on Energy, Environment and Natural Resources.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the Criminal Code (protection of children).—(Honourable Senator Stratton)

Hon. Sharon Carstairs: Honourable senators, I have had a discussion with Senator Stratton, in whose name this bill stands. He has yielded to me but wishes it to remain standing in his name, so with his permission I will put a few words on the record.

I am pleased to rise today to speak in support of Bill S-21, to amend the Criminal Code (protection of children). My support for this legislation should come as no surprise to anyone in this chamber, because I introduced a similar bill some years ago.

Why am I opposed to corporal punishment of children? It is simple. I do not believe it works, except in the short-term, and the harm it does to a child's self-esteem and the increase in aggressiveness caused by such behaviour clearly outweigh any momentary cessation of the behaviour, particularly when alternative disciplinary actions can change behaviour with only positive outcomes in long-term behaviour.

Time-outs, for example, are very effective, because they are clear examples of cause and effect. The child misbehaves; the child is given a time-out; the child stops the behaviour and thinks before he or she acts in the same way again. However, he or she has not learned that hitting, slapping and shaking is the way an adult behaves when they are unhappy with someone's behaviour. If, as adults, we cannot act in a non-violent way, how do we expect our children to learn to act in non-violent ways?

Yes, honourable senators, corporal punishment is a violent act. What else could it possibly be called? An adult, who may be in excess of five feet or six feet tall, hits a child, who may be two feet, three feet or four feet tall. What is that other than an act of violence?

• (1540)

Honourable senators, Senator Hervieux-Payette has explained to you the results of a Statistics Canada study which shows that there is a clear correlation between aggressiveness in children and violent acts perpetrated against them. My own personal experience with school bullies often showed a clear link between a child whose personal dignity had never been respected and their lack of respect for the dignity of others.

Children are not born violent. Some unfortunate children with serious mental disabilities will sometimes act in violent ways, and quite often this violence is directed against themselves. These children need appropriate treatment programs, and no one would suggest that treating them violently would help them moderate their behaviour. Why then would we think it would work with other children?

Perhaps what I like best about the senator's bill is the year time lag in its implementation. The purpose of this year is to educate parents on better and other methods to discipline children.

The repeal of section 43 is not about a lack of discipline. All people, children and adults alike, need discipline, but the best discipline of all is self-discipline. It is self-discipline that gets us up in the morning and that directs our activities. Children are no different, and they need to learn self-discipline. This self-discipline comes from the guidance, support and love of parents, teachers,

extended family and, yes, the community. Self-discipline comes from learning to differentiate between acceptable and unacceptable behaviour, but it does not come through hitting children.

Honourable senators, it is now 2004. We have accepted that beating wives is not acceptable. We have accepted that beating prisoners is not acceptable. We have accepted that mental defectives should not be beaten. We have accepted that apprentices should not be beaten. Why do we still accept that the most vulnerable among us, children, should be subjected to corporal punishment? It is wrong. It is time to move forward. It is time to repeal section 43 of the Criminal Code of Canada.

The Hon. the Speaker: I would clarify that the understanding, as usual, is that the 45 minute time frame will apply to the second speaker, in this case, when there is a speaker on the opposition side.

On motion of Senator Stratton, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Terry Stratton (Deputy Leader of the Opposition) moved second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Stratton*)

He said: Honourable senators, it gives me great pleasure today to lead off debate at second reading of Bill S-20. The long title of this bill is "An Act to provide for increased transparency and objectivity in the selection of suitable candidates to be named to certain high public positions or, as it is styled in the short title, "The Federal Nominations Act."

[*Translation*]

This is, I believe, the fourth time I have had the pleasure of introducing this bill and I must admit that, each time, we have made changes to make it more relevant and effective. It seems that, with each attempt, the government is getting closer to the position recommended in this legislation.

[*English*]

In fact, as recently as the Throne Speech delivered just a few months ago, while not quoting directly from one of the predecessors of this bill, but certainly capturing its intent, the Governor General mouthed the words given to her by the Prime Minister and stated:

The Government will introduce initiatives...will build on the work of Parliamentary committees; involve parliamentarians in the review of key appointments.

Note the Prime Minister — I mean, the Governor General — said "parliamentarians," in other words, a task the Senate could and should undertake. I would reinforce that phrase by repeating: the Prime Minister said that parliamentarians should undertake that task, and that we could do it very well.

This bill, Bill S-20, provides what I believe to be a unique, non-partisan method to secure parliamentary involvement through the use of the Senate Committee of the Whole to scrutinize the nominations to key posts in our country.

Mandatory review would take place for the appointment of senators, the Chief Justice of Canada, the Lieutenant-Governors of each province, the commissioner of a territory, judges of the Supreme Court of Canada, and optimal would be hearings in relation to nominations for judges of the Federal Court of Canada as well as Superior Court judges.

While I have outlined the process for review in previous speeches concerning predecessors of this bill, for those who have not heard it before or for those who may have dozed off during my stellar rhetoric, I thought it useful and timely to quickly review it for you.

Honourable senators, this bill outlines a process to identify and assess candidates and to provide for parliamentary review of these appointments through an appearance before a Senate Committee of the Whole. I have specified the Senate Committee of the Whole as the proper vehicle for this procedure because, as a chamber, we are less political than the House of Commons. We represent the regions of Canada, and we have proven to be effective in the past when dealing with federal officials who have appeared before us.

Many have expressed the concern that a review of appointments, particularly appointments to the Supreme Court, would develop into the American process of confirmation hearings. Indeed, Professor Edward Ratushny, professor of law at the University of Ottawa, arguing before the Standing Committee on Justice and Human Rights, said:

Confirmation hearings in the United States have come to resemble election campaigns dominated by special interest groups. The central objective is to determine the kind of person the candidate is and the kind of judge he or she is likely to be. The problem is not that parliamentarians are incapable of understanding the judicial role and conducting restrained, intelligent, and relevant questioning of candidates. I'm sure all of you are able to do that. The problem is that there will be very little political interest in doing so. On the contrary, public expectations, interest group pressures, and political instincts will cause many to engage in political campaigns, often through the vehicle of judge bashing.

With all respect to Professor Ratushny, I would argue that the fact that the Senate, as an appointed chamber, has an advantage in reviewing appointments to high positions because we do not face the same political pressures from interest groups as does the elected chamber.

Honourable senators, this bill would establish a committee of the Queen's Privy Council for Canada to develop public criteria and procedure for the selection of individuals for positions listed in the schedules such as the Chief Justice of Canada, the Lieutenant-Governor of a province, the commissioner of a territory, a judge of the Supreme Court of Canada, and senators. The committee would also seek out and assess candidates for

those positions and then make recommendations to the cabinet. A minister who intends to recommend someone for an appointment for one of these positions would choose from among the candidates recommended as eligible.

The bill also provides for parliamentary review of appointments within a specified time period. The Senate Committee of the Whole will invite persons listed in Schedule 1 to discuss the nominee's eligibility and qualifications for the position and his or her views on the responsibility of the position. If the Senate does not invite the nominee to attend Committee of the Whole within the three sittings of the Senate, the appointment may be made without parliamentary approval.

If there is urgency to the appointment, clause 12 provides that the appointment can be made and the hearing scheduled after the appointment is made. Following the hearing, either House of Parliament may adopt a resolution approving the nomination.

The Senate Committee of the Whole hearings will be televised, giving the public the ability to see the person being nominated for high office and hear his or her views. The process is public, transparent and gives Parliament a role to play in the nomination process.

• (1550)

Senators may note that clause 9 of this bill deals specifically with the selection, review and appointments of senators. Honourable senators will note that the clause starts by stating:

A Minister of the Crown who proposes to recommend an individual to be summoned to the Senate...

This of course refers to the Prime Minister. Since October 26, 1935, in the time of Mackenzie King as Prime Minister, by minute of the Privy Council, only the Prime Minister may recommend the appointment of senators to the Governor General. However, just in case this prerogative may pass to some other cabinet minister in the future date, we believe it is more appropriate to simply list "Minister of the Crown." Under clause 9, it is the Prime Minister, who puts a list of names, assessed by the nominations committee, in front of the provincial premier. The provincial premier has a certain period of time within which to select from the list. Should the premier not act within the prescribed period of time, then the Prime Minister may recommend someone from the nominee list to the Governor General for appointment.

We have also made adjustments in this version of the bill to accommodate inclusion of those who have been elected to be senators-in-waiting.

Critics of this bill have argued that it unduly interferes with the Crown's prerogative and that Royal Consent must be given before the bill is dealt with further. The Speaker has made it clear in many rulings that Royal Consent may happen at any time before the bill becomes law.

As I said when I began this afternoon, this is a bill that addresses an issue that seems to be near the top of this government's agenda. The Prime Minister has made two noticeable speeches in the last year. We all remember the

“mad-as-hell” speech when he promised to get to the bottom of the sponsorship scandal, a scandal that happened on his watch as Finance Minister. However, as he claims, he was out-of-the-loop. This speech was long on the rhetoric, and we will see whether the promise of getting to the bottom of the scandal will ever be fulfilled.

The other memorable speech was the one on democratic reform made a year ago in October. This has been characterized as, “Who do you know in the PMO speech?” — a speech wherein the Prime Minister promised to give committees real power over appointments and bring an end to cronyism in Ottawa. In that speech he said:

When it comes to senior government appointments, we must establish a process that ensures broad and open consideration of proposed candidates...A healthy opportunity should be afforded for the qualifications of candidates to be reviewed by the appropriate standing committee before final confirmation.

He went on to include the appointment of Supreme Court judges in this group. He has also repeated this statement since becoming Prime Minister. For example, in an interview in *The Globe and Mail* on February 28 of this year, he said, “Democracy says there should be parliamentary review of appointments.”

Honourable senators, Bill S-20 provides such a mechanism, a mechanism to provide an open selection process, setting of criteria, and parliamentary review.

[Translation]

I want this bill to receive in-depth consideration in committee, either after second reading or after a referral to committee.

[English]

Senators should support this bill if, for no other reason, it would help the Prime Minister keep his promise on parliamentary reform.

On motion of Senator Rompkey, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.—(Honourable Senator Rompkey, P.C.)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, it is my intention to ask that this item stand again but I wanted to mention that several senators on our side wish to speak on the bill. Senator Gill wants to speak on this particular item, as does Senator Joyal. However, Senator Gill feels that he needs more time for reflection, because this is an important bill and he has some important, substantive comments to make on it.

[Senator Stratton]

Therefore, I would again ask that the order stand. It is likely that Senator Gill may not speak to the bill until after the break.

Order stands.

PERSONAL WATERCRAFT BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-12, concerning personal watercraft in navigable waters.—(Honourable Senator Hervieux-Payette, P.C.)

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, before I request that this order stand I would point out that this is now the 14th day that the order has been standing in the name of Senator Hervieux-Payette. There is a reasonable expectation that we will sit on Monday evening, and that would be the 15th day. That is simply an observation.

Order stands.

SPAM CONTROL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill S-15, to prevent unsolicited messages on the Internet.

He said: Honourable senators, in view of the hour, I will speak to this matter next week.

On motion of Senator Oliver, debate adjourned.

[Translation]

THE SENATE

RULES OF THE SENATE— MOTION TO CHANGE RULE 135—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I (full name of the Senator) do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.—(Honourable Senator Robichaud, P.C.)

Hon. Fernand Robichaud: Honourable senators, I am pleased to speak today in support of the motion by the Honourable Senator Lavigne, which seeks to amend the *Rules of the Senate* by asking senators to take an oath of allegiance to Canada in addition to the oath to the Crown.

This is a subject that, at first blush, is both interesting and intriguing. It is interesting because I believe that Senator Lavigne's arguments are relevant. The real purpose is to enhance each senator's commitment to Canada and, second, to update our oath of office.

It is intriguing because we continue to wonder why it has not already been done since the merits of this suggestion are clear. As for the arguments given, I think that Senator Lavigne is correct in saying that the Americans are very proficient at expressing their love for their country and their respect for their flag.

In this regard, Senator Carstairs spoke eloquently about her experience in the United States and her admiration for their patriotism and sense of pride and affection toward their country.

That said, I think it is quite appropriate for us to question whether we should not update certain phrases so that they reflect a greater sense of pride and belonging to our country. That is the real issue.

According to Senator Lavigne, his experience in the field shows that several symbols that could instil pride in being Canadian have all simply faded away over the years, making way for the emergence of new symbols and a new sense of belonging.

It is therefore appropriate to create opportunities to publicly express our pride and sense of belonging to Canada. Often people from abroad remind us to be proud to be Canadian and tell us how lucky we are to live in this free and prosperous country.

Allow me to describe my experience in the days following the fateful day of September 11, 2001.

• (1600)

Like many other travellers, my wife and I were stranded in Amsterdam. The Dutch were extremely kind and welcoming when they realized we were Canadian. They were quick to express their gratitude and affection for our country and for all those who sacrificed their life and youth to liberate Holland during the German occupation. Their warm welcome was particularly touching and it stemmed not from the fact that I am a senator, but from the fact that we were Canadian.

Honourable senators, we must ask ourselves why we should not take advantage of opportunities we are given to publicly express our allegiance and our affection to our country. As you know, the election of a member to the other place or the appointment of a senator to this place marks their formal entry into a constitutional monarchy system of government.

You will agree that it is quite understandable that senators and members would wish to express their respect and loyalty to the Crown and their attachment to Canada. To that end, our Constitution provides that members of Parliament take an oath of

allegiance to the Queen even before they officially begin their duties. For some people, this oath of allegiance to the Queen is enough, while others think it important to be able to clearly express their pride and loyalty towards Canada.

The proposed addition would amend the *Rules of the Senate*. This chamber has the power to do this. The goal of this amendment is to demonstrate more explicitly each new senator's attachment and loyalty to Canada. Clarifying our loyalty to Canada is necessary because the idea of an oath of allegiance to the Crown may have different connotations for people from different cultures.

For instance, I know that as an Acadian, the idea of swearing an oath to the Crown always reminds me of the famous oath of allegiance my ancestors refused to swear, leading to the deportation or Great Upheaval. That means that on a day-to-day level, we must make a bit of an effort to understand the fundamental reason for this oath of office. We must think about it and reason it out.

This oath of allegiance may take on an entirely different meaning. Perhaps it is simply a reaffirmation of loyalty and attachment to the sovereign, or perhaps it recognizes the Crown as the head of the national family, who, at his or her coronation also swore an oath of allegiance to the people. The oath of allegiance to the Crown completes the reciprocal relationship between the sovereign and his or her subjects. When I took my oath of allegiance to the Queen, it was because she was the sovereign of Canada. Like it or not, there are cultural differences that can colour the meaning of such an oath of allegiance.

Honourable senators, I would like to point out that the wording of oaths of allegiance has changed over the centuries. In his book entitled *L'Acadie des origines (1603-1771)*, Léopold Lanctôt reports that in 1695 some forty heads of family from Port Royal swore an oath of allegiance to King William of England in these terms: "We swear and sincerely promise that we will be faithful and give true allegiance to His Majesty King William of England, Scotland, France and Ireland. I must point out that, at that time, the King of England claimed to be the legitimate sovereign of France."

In his book *A Land of Discord Always: Acadia from its Beginning to the Expulsion of its People, 1604-1755*, historian Charles D. Mahaffie Jr. tells us that the Acadians of the Annapolis Valley made and signed the following oath in 1729: "I hereby promise and sincerely swear on my faith as a Christian that I will be wholly faithful and totally obedient to His Majesty, King George II, whom I recognize as the sovereign of Nova Scotia and Acadia."

The oath of allegiance given in the Constitution Act of 1867 reads as follows: "I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria," with a note indicating that the name of the reigning sovereign is to be substituted as required.

This indicates, honourable senators, that words and formulas for oaths vary, and that they change over time. They are not necessarily graven in stone. I would go so far as to say that there is nothing out of the ordinary about a request to change them, but that is not what is involved here.

Senator Lavigne's proposal is not in any way about changing the oath. In my opinion, moreover, no one would want to reopen the Constitution in order to change the wording of the oath. It is my sincere belief that changing the *Rules of the Senate* as suggested would allow each and every one of us to be respected.

The oath of allegiance as prescribed in the Constitution enables us to recognize Canada as a constitutional monarchy. The possibility of swearing an oath of loyalty and attachment to Canada is an opportunity to express our loyalty and attachment to Canada. I must say that the proposed amendment to the rules is proof of the Senate's efforts at inclusion. Each of us can feel respected in making our oath of allegiance. That is a sign of unity in diversity.

I want to add, honourable senators, that had it been allowed under the rules during my swearing in, I would have readily taken this oath of loyalty to Canada. So, I am very pleased to support this motion to amend the *Rules of the Senate* so that we can explicitly express our attachment and loyalty to our country, Canada.

[English]

The Hon. the Speaker: I see two senators rising.

Hon. Eymard G. Corbin: Honourable senators, I think the sponsor of the bill was rising to close the debate, but I am rising to adjourn the debate.

The Hon. the Speaker: Are honourable senators wishing to ask questions before I put Senator Corbin's motion?

Hon. Noël A. Kinsella (Leader of the Opposition): While preparing for his interesting intervention today, did the honourable senator examine section 31(2) of the Constitution Act that speaks to the oath of allegiance taken by senators and how the place of a senator becomes vacant if an oath of allegiance is made to another authority? There are a number of items in that section.

• (1610)

Has the honourable senator examined the relationship of the taking of the oath of allegiance and the requirements in the Constitution Act that speak to oaths of allegiance?

[Translation]

Senator Robichaud: In answer to the question by Senator Kinsella, honourable senators, I must say that I have not done so to any great extent, but I would be pleased if he would tell us more.

[English]

Hon. Joan Fraser: Honourable senators, I wish to thank Senator Robichaud for his speech; it was instructive and moving. However, I have a nagging mind. What would happen if we adopted this rule and one day a senator was appointed who met all the other qualifications and who took the constitutional oath and for whatever reason refused to take this oath? What would we do then?

[Senator Robichaud]

[Translation]

Senator Robichaud: This issue could be studied when the motion goes to committee. I do not think we could simply make this change to the *Rules of the Senate* without studying all the ramifications. I remain confident, however, that we can find a way to accommodate senators, if such a situation were to arise. I find it hard to understand why anyone would refuse to swear an oath to our country, Canada, or at least as I said, for some people, to swear an oath to the sovereign who is recognized as the sovereign of Canada. The fact of swearing an oath to the country would make it possible to display our attachment, our loyalty and our determination to serve the people of this country well.

[English]

Senator Kinsella: Honourable senators, Senator Robichaud seems to be arguing — and please correct me if I misunderstood — that the oath of allegiance would be to two authorities: to Her Majesty, on one hand, and to the people of Canada, on the other. My reading of the Constitution is that there is one authority. If there are two authorities, would the honourable senator go further and consider that what we need to do is to get those two authorities together? In other words, we are really at the stage that in order to make the system work, we must bring together the people of Canada and the Crown. Therefore, would he support the proposition that we should redefine the Crown or the executive power in section 9 of the Constitution and say that the executive government and authority of and over Canada is hereby declared and continues to be vested not in the Queen, but in the Crown, and to have an amendment to redefine the Crown as being the symbol of the people of Canada as opposed to being the Queen?

[Translation]

Senator Robichaud: Honourable senators, when motions of this kind are proposed, the longer we think about them and talk about them, the more ways we can find to make adjustments. We are a constitutional monarchy and the Queen is recognized as our head of state, but her powers are nonetheless limited by our Constitution. To me, recognizing the Queen and recognizing the country is the same thing. The Queen cannot be the sovereign of Canada if Canada does not consist of all its territory and all the people who live in that territory. For me, the question does not arise. Perhaps we will be able to reflect further on this, at a later date. I see this proposal as a simple one and a way to show our pride in being Canadian.

[English]

The Hon. the Speaker: Honourable senators, I regret to advise that Senator Robichaud's speaking time on this item has expired. Any further comment or question would require him to request leave.

[Translation]

Senator Robichaud: I seek leave to allow time for a senator to ask a question, Your Honour, but I do not wish to hold anyone up.

Hon. Senators: Agreed.

[English]

Senator Kinsella: Honourable senators, Senator Robichaud is on to a very interesting hypothesis that could lead to a healthy debate. If I understood him correctly, he has just told us that, for him, the Crown and the people of Canada really mean one thing. There may be many people who agree with that proposition.

I know the government that the honourable senator supports is interested in clarity when it comes to matters of the Constitution. For clarity, perhaps we should look at redefining the Crown as the symbol of the people of Canada. Would the honourable senator give that idea some consideration?

[Translation]

Senator Robichaud: Honourable senators, if the Senate or the public decided that we should, at some point, redefine what the Crown means to us, I would have no objection. Who am I to object to such an undertaking? I believe we can move forward with the simple formula being proposed, consisting in adding a few lines that would allow us to say openly and with pride that we are a citizen of Canada and that we simply want to assure the public that we recognize our country *per se*.

Senator Corbin: Honourable senators, if other senators wish to speak to this motion, I would be pleased to yield. However, I would like to reserve the right and privilege to speak and that is why I am moving that debate be adjourned.

On motion of Senator Corbin, debate adjourned.

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO URGE CHINA TO RESOLVE TIBET ISSUE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Keon:

That, as a follow up to the goodwill generated by the visit of His Holiness the Dalai Lama to Ottawa last April, the Senate call upon the Government of Canada to use its friendly relations with China to urge it to enter into meaningful negotiations, without preconditions, with representatives of His Holiness the Dalai Lama to peacefully resolve the issue of Tibet.—(*Honourable Senator Rompkey, P.C.*)

Hon. A. Raynell Andreychuk: Honourable senators, I do not wish to hold up the question on this motion; I simply wish to add my support.

It is incredibly important that Canada become involved in the Tibet matter. The motion refers to friendly negotiations not, I think, in any adversarial sense. When His Holiness the Dalai Lama was here, he pointed out that the culture of the Tibetan people is of critical importance. As long as this crisis is not resolved, the issue of language, culture and religion in Tibet is in

jeopardy. From the last time that I had seen His Holiness in the late 1980s, to when he arrived here last spring, the deterioration of the issues confronting the Tibetans has deteriorated because of this conflict. It is therefore in the best interests of China and the people of Tibet that there be some resolution. Canada has good offices that it can use. On his visit, I would encourage the Prime Minister, as well as the Minister of Foreign Affairs, to continue and to increase our support for a peaceful resolution of this matter as the Dalai Lama has been stating.

I wholeheartedly support this motion.

• (1620)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn, pursuant to notice of December 8, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to sit at 5 p.m. on Tuesday, December 14, 2004 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

She said: Honourable senators, I yield to Senator Stratton.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is to the Chair of the Agriculture Committee. This is an unusual request. We understand that, for the most part, the committee has invited witnesses and, if you do not meet with them as scheduled, it may cause a problem. The dilemma we have in the chamber is that we must keep members here while the Senate is sitting. That is the reason we do not, as a general rule, allow committees to sit while the Senate is sitting.

Can we be given some explanation? Is this an unusual circumstance or an ongoing, continuing circumstance that the committee will encounter in the future?

Senator Fairbairn: Honourable senators, the answer is no, it would not be an ongoing, regular circumstance. I do not think that we, as a committee, have abused this provision. The reason for the request that the committee be permitted to sit while the Senate is sitting next Tuesday is that, for some time, we have been trying to hear from the Honourable Mr. Peterson, Minister of International Trade. Some of our scheduled meetings have been cancelled, much to his regret, because of his responsibilities

respecting overseas visits and missions. We now have an opportunity to hear from him on Tuesday. That is the only time that we have been able to secure his attendance. Our committee particularly wants to hear from the minister on the various points that have come out in the recent World Trade Organization report which would have some significant reactions here in Canada involving some of our agencies such as the Canadian Wheat Board.

Senator Stratton: Thank you.

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

MOTION TO URGE GOVERNMENT TO CONDEMN AND INITIATE MEASURES AGAINST THE GOVERNMENT OF BURMA FOR ITS UNDEMOCRATIC ACTIONS— DEBATE ADJOURNED

Hon. Mac Harb, pursuant to notice of December 8, 2004, moved:

That the Government of Canada vigorously condemn the Burmese military junta's extension of pro-democracy leader Aung San Suu Kyi's term of house arrest and call for it immediately to revoke this measure, to introduce democratic reforms and to abide by its human rights obligations, and further that the Government of Canada, as an international leader in the defense of human rights and democratic institutions, make it an urgent priority to take action in the form of: implementation of effective economic measures against the military regime; increased diplomatic sanctions, including the exclusion of active participation of the Burmese military junta from trade and investment promotion events in Canada; and increased assistance to Burmese refugees in border regions of adjacent countries as well as with those in need within Burma through accountable non-governmental organizations and UN agencies.

He said: Honourable senators, at the outset I would thank my colleague, Senator Andreychuk, who was a co-sponsor of this motion.

I would start my brief remarks by quoting from Archbishop Desmond Tutu's statement written for *Ready, Aim, Sanction: Special Report* published by Alsean-Burma in November of 2003. He said:

In South Africa when we called for international action, we were often scorned, disregarded or disappointed. To dismantle apartheid took not only commitment, faith and hard work, but also intense international pressures and sanctions.

In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic

gestures and cut the lifelines to Burma's military regimes through well-implemented sanctions.

Honourable senators, in 1962 we had the last democratically-elected government in Burma. At that time, the brutal military regime took over. Again in 1988, we had a bloody massacre of thousands of unarmed demonstrators in the streets and, since then, human rights violations have increased and the political and socioeconomic conditions have deteriorated drastically. The military has governed without a Constitution or legislation since 1988.

In 1989, popular democratic leader Aung San Suu Kyi was placed under house arrest in July 1989 for "endangering the state." She has been imprisoned in her home for the past 15 years. In 1990, multi-party elections resulted in a huge win for the National League for Democracy lead by Aung San Suu Kyi. Despite severe repressions, she was kept under house arrest and, in a complete lack of freedom of expression throughout the country, the junta refused to recognize the results.

Peace, democracy and the most basic human rights do not exist. Millions have been forced to flee and are scattered all over the world. Organizations such as the United Nations, Amnesty International and Human Rights Watch cite the continuing violation of human rights in Burma, which include extrajudicial summary or arbitrary executions, rape, torture, inhumane treatment, mass arrests, forced labour, including the use of children, forced relocation, denial of freedom of assembly, association, expression and movement. One quarter of all households live below subsistence levels, and three out of 10 children are malnourished.

Political gatherings are banned and political parties such as Aung San Suu Kyi National League for Democracy, NLD, are closely monitored and its members harassed or arrested. Amnesty International estimates that, in early 1988, at least 1,200 political prisoners were detained or imprisoned under severe conditions in Burmese jails. As well, Amnesty International identified at least 20 detentions centres where interrogations have taken place, along with beatings, electric shock treatment and other forms of torture, and many prisoners have died in detention. Burma is currently in the midst of a health and educational crisis.

• (1630)

According to UN statistics, the junta spends 22 per cent more on military spending than on health care and education combined. Three out of 10 children never even start school, while 40 per cent of those who do are able to finish the primary levels.

Burma's universities have been closed most of the past 12 years due to a student-led uprising. Since 1988, the military has opened post-secondary schools briefly, only to shut them down immediately when students began to rally for change.

The military dictatorship represses any opposition through its extensive military intelligence apparatus and enormous army, which has more than doubled in size since 1988 and now is approaching 500,000, in a country that has absolutely no external enemies.

I call on honourable senators to support this motion so we can send a signal not only to Canadians but also to our friends around the world that we, as a country, do care about what is taking place in Burma and want to see the restoration of democracy to that part of the world.

Hon. A. Raynell Andreychuk: Honourable senators, I want to thank Senator Harb for bringing to our attention the plight of Burma and, in particular, the plight of Aung San Suu Kyi, who has had her house arrest extended.

I believe that this is a non-partisan issue. All governments in Canada and elsewhere have taken all possible actions against the Government of Burma, and I do not believe that they have responded. In fact, the situation, as Senator Harb has pointed out, has deteriorated.

I believe that what we need is more consistent attention to Burma. We have been distracted by other issues around the world that have seemed to be more urgent. However, the plight of the Burmese cannot be left unnoticed. It is timely, appropriate and in the best interests of Canada and the democratic world that we renew our efforts to shine light on Burma and the excesses of this regime so that, in fact, they can afford the citizens their rights.

We are sitting here, honourable senators, on December 9. December 10 is International Human Rights day. I can only think that there are many Burmese who do not know about the Universal Declaration of Human Rights. However, they have a sense of dignity and worth and value, and I believe it is our responsibility to renew our efforts despite competing needs around the world.

I would ask this chamber to pass this resolution so that we can renew with vigour our attention to the plight of the people of Burma.

Hon. Bill Rompkey (Deputy Leader of the Government): I am rising to adjourn the debate. I do so not for lack of supporting the motion. I am sure that honourable senators will want to support it. However, I feel there some senators who are not here today may wish to reflect on the motion and read today's debate. For that reason only, as I did with Senator Di Nino's motion yesterday, I would like to adjourn the debate.

On motion of Senator Rompkey, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser, pursuant to notice of December 8, 2004, moved:

That pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet Thursday, December 16, 2004 as part

of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser, pursuant to notice of December 8, 2004, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet during the week beginning Monday, January 31, 2005 as part of its study of the Canadian news media, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, December 13, 2004, at 8:00 p.m.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Monday, December 13, 2004, at 8 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, December 9, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02		
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations			
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30							
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							

PRIVATE BILLS

[illegible]

CONTENTS

Thursday, December 9, 2004

	PAGE		PAGE
SENATORS' STATEMENTS			
Humphrey Freedom Award		Citizenship and Immigration	
Congratulations to 2004 Recipient Godeliève Mukasarasi.		Extension of Visa of Bondarenko Family.	
Hon. Joseph A. Day	460	Hon. Wilfred P. Moore	464
International Human Rights Day		Hon. Jack Austin	464
Hon. A. Raynell Andreychuk	460	Hon. David Tkachuk	465
Senate		Fisheries and Oceans	
Prepared Speeches by Departmental Officials—		Delay in Wild Salmon Policy.	
Speech on Second Reading of Bill C-4.		Hon. Gerald J. Comeau	465
Hon. Gerard A. Phalen	461	Hon. Jack Austin	465
Endangered Species		Effect of Budget Cutbacks.	
Hon. Donald H. Oliver	461	Hon. Gerald J. Comeau	466
Foreign Affairs		Hon. Jack Austin	466
Iran—Update by Special Envoy.		The Senate	
Hon. Mobina S. B. Jaffer	461	Prepared Speeches by Departmental Officials.	
Late David Vienneau		Hon. David Tkachuk	466
Hon. Jim Munson	462	Hon. Jack Austin	466
<hr/>			
ROUTINE PROCEEDINGS			
Senate		Justice	
Vote of Motion to Strike Special Committee on		Extradition to United States of Vito Rizzuto—	
Anti-Terrorism Act.		Assurance Regarding Capital Punishment.	
Hon. Bill Rompkey	462	Hon. Noël A. Kinsella	466
Canada Elections Act (Bill S-22)		Hon. Jack Austin	466
Vote to Amend—First Reading.		Delayed Answers to Oral Questions	
Hon. Mac Harb	463	Hon. Bill Rompkey	466
General Synod of the Anglican Church of Canada		Transport	
Vote Bill to Amend Act of Incorporation—		Airline Industry—Access of Foreign Carriers.	
Presentation of Petition.		Question by Senator Tkachuk.	
Hon. Bill Rompkey	463	Hon. Bill Rompkey (Delayed Answers)	467
<hr/>			
QUESTION PERIOD		Foreign Affairs	
National Defence		Ukraine—Selection Process of Election Monitors.	
Vote of Motion to Strike Special Committee on		Question by Senator Andreychuk.	
Anti-Terrorism Act.		Hon. Bill Rompkey (Delayed Answers)	467
Hon. J. Michael Forrestall	463	Point of Order	
Hon. Jack Austin	463	Speaker's Ruling.	
Citizenship and Immigration		The Hon. the Speaker	467
Investigations of Political Interference by Minister—		Visitors in the Gallery	
Ministerial Permit Process.		The Hon. the Speaker	468
Hon. Terry Stratton	463	Canada Education Savings Bill (Bill C-5)	
Hon. Jack Austin	464	Report of Committee.	
Public Works and Government Services		Hon. Jeremiah S. Grafstein	468
Sponsorship Program—Availability of Polling Results		<hr/>	
Listening to Canadians Series.		ORDERS OF THE DAY	
Hon. Donald H. Oliver	464	Business of the Senate	
Hon. Jack Austin	464	Hon. Bill Rompkey	469
		The Tlicho Land Claims and Self-Government Bill (Bill C-14)	
		Second Reading—Debate Adjourned.	
		Hon. Nick G. Sibbets	469
		The Late Honourable Philippe Deane Gigantès	
		Silent Tribute.	
		The Hon. the Speaker	471
		International Interests in Mobile Equipment (aircraft equipment) Bill	
		(Bill C-4)	
		Second Reading.	
		Hon. David Tkachuk	472
		Referred to Committee	473

	PAGE
Department of Canadian Heritage Act	
Parks Canada Agency Act (Bill C-7)	
Bill to Amend—Second Reading.	
Hon. Noël A. Kinsella	473
Hon. Willie Adams	475
Hon. Aurélien Gill	475
Referred to Committee	475
Criminal Code (Bill S-21)	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Sharon Carstairs	476
Federal Nominations Bill (Bill S-20)	
Second Reading—Debate Adjourned.	
Hon. Terry Stratton	476
First Nations Government Recognition Bill (Bill S-16)	
Second Reading—Order Stands.	
Hon. Bill Rompkey	478
Personal Watercraft Bill (Bill S-12)	
Second Reading—Order Stands.	
Hon. Noël A. Kinsella	478
Spam Control Bill (Bill S-15)	
Second Reading—Debate Adjourned.	
Hon. Donald H. Oliver	478
The Senate	
Rules of the Senate—Motion to Change Rule 135—	
Debate Continued.	
Hon. Fernand Robichaud	479

	PAGE
Hon. Eymard G. Corbin	480
Hon. Noël A. Kinsella	480
Hon. Joan Fraser	480
The Senate	
Motion to Urge Government to Urge China to Resolve Tibet Issue	
Adopted.	
Hon. A. Raynell Andreychuk	481
Agriculture and Forestry	
Committee Authorized to Meet During Sitting of the Senate.	
Hon. Joyce Fairbairn	481
Hon. Terry Stratton	481
The Senate	
Motion to Urge Government to Condemn and Initiate Measures	
Against the Government of Burma for Its Undemocratic Actions—	
Debate Adjourned.	
Hon. Mac Harb	482
Hon. A. Raynell Andreychuk	483
Hon. Bill Rompkey	483
Transport and Communications	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Joan Fraser	483
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Joan Fraser	483
Adjournment	
Hon. Bill Rompkey	483
Progress of Legislation	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 26

OFFICIAL REPORT
(HANSARD)

Monday, December 13, 2004



THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Monday, December 13, 2004

The Senate met at 8 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

STORY OF KEEMAYA

Hon. Joyce Fairbairn: Honourable senators, it is not often that one pays tribute to an animal in this house, but I would like to do so in memory of the little elephant calf who passed away last Tuesday after three weeks of intensive effort by all the veterinarians, trainers, teachers and volunteers at the Calgary Zoo.

The story of Keemaya, Hindi for "miracle," brought a worldwide focus to that small pen in the zoo where the baby was cared for every minute of the night and day after being rejected by her mother and grandmother, which sometimes happens both in the wild and in captivity. All the expertise and innovative advice from veterinarians and zookeepers from around the world was extended in an effort to pull this precious member of the depleting Asian elephant species through her difficulties. In the end, despite the best that medicine, human expertise and kindness could offer, Keemaya could not overcome the infection that took over her system from birth, even though for a few short days she was alert, up and moving, talking, eating and playing with toys in her pen. She almost made it.

The importance of Keemaya's short stay on this planet is to understand the effort of institutions around the world to keep alive species of animals that are dwindling in the face of human development, and Asian elephants are among them. Through a connection of zoos, there is a major effort to keep the gene pool of these species pure, with the view of returning animals to their original habitat. This happened with the swift fox in North America, the burrowing owls in Western Canada, the Vancouver Island marmot, the bongo, similar to antelope, that were almost extinct and are now slowly returning to their habitat on Mount Kenya and, of course, the whooping cranes.

Zoos such as the one in Calgary and many others in Canada are also places for children and adults to learn history and science. Keemaya touched the hearts and hopes of everyone who helped her. I had the privilege of visiting her and walking with her, hand in trunk, while she tried to respond to the care and affection she was receiving from a very fine institution. She stole my heart as well.

I thank Alex Graham, President of the Calgary Zoo, and the whole Calgary team for their care and kindness to Keemaya and the work they do at the zoo for all our animal friends every day of the year.

THE LATE BOB BOYER

Hon. A. Raynell Andreychuk: Honourable senators, I rise to note the passing this summer of Mr. Bob Boyer, a Metis artist who was a faculty member at the First Nations University of Canada, formerly the Saskatchewan Indian Federated College, which is associated with the University of Regina. Mr. Boyer taught art at the First Nations University of Canada and played a vital role in the college's development. He headed its arts department from 1979 to 1997. Mr. Boyer was a popular professor and was effective in transmitting education to his students. His work can be found at the National Gallery, at the Museum of Civilization and at the Glenbow Museum.

Mr. Boyer was a versatile artist who worked in many media but was best known for his blanket paintings. One of his first works was entitled, *A Smallpox Issue (1983)*, his powerful statement about this disease as it was intentionally spread among First Nations with trade blankets. For those senators who may not be acquainted with his work, I would invite you, the next time you enter the Aboriginal room, Room 160-S, to note his painting in the foyer.

In a 1995 feature story in *The Third Degree*, a publication of the University of Regina, Mr. Boyer said:

To me education is the business of educating a human being as opposed to teaching. Yes, you can teach information, you can teach skills, but education involves the whole human being.

Honourable senators, the Aboriginal community and all of Canada have lost a truly important educator and respected artist at a very early age.

THE HONOURABLE HERBERT O. SPARROW

TRIBUTES

Hon. Peter A. Stollery: Honourable senators, I wish to add my words to those of other senators in tribute to Senator Sparrow. Senator Sparrow has been a long-time friend, one for whom I have the highest regard. I am sorry that he is leaving the Senate, and I wish him well at whatever he does in retirement.

I would like to emphasize to Senator Sparrow the regard that most senators have for him. It has been an honour to be his friend for these past more than 20 years.

Hon. Jerahmiel S. Grafstein: Honourable senators, I too would like to add my words in tribute to our great friend Herb Sparrow. I came here at a time when I thought the place was populated by giants. I certainly found out in short order that, while Herb was small in stature, he was a giant of a senator.

• (2010)

He advised me to do one thing. When I spoke to any matter, he would say, "Have you read the bill? If you did not read the bill, you cannot speak in Senate or the caucus." That piece of advice rings in my head to this day, and I remember fondly the idea that one should not speak in the Senate on a matter unless one has read the bill and the material. It has been great advice to me.

I cherish the fact that Herb gave me that advice, and I lend it as support to all senators. It is excellent advice. As legislators, we should read the bill.

Herb's contribution here was outstanding. When he spoke, whether in caucus or the Senate, I found that I had to nod with affirmative enthusiasm on practically every issue. He was certainly on time, on line and always right.

THE HONOURABLE JOSEPH HOWE

TRIBUTE ON OCCASION OF TWO HUNDREDTH ANNIVERSARY OF BIRTH

Hon. Wilfred P. Moore: My fellow senators, I rise to pay tribute to the Honourable Joseph Howe on this, the occasion of the two hundredth anniversary of his birth. He is perhaps the most famous son of my province, Nova Scotia, and a truly great Canadian.

Born in Halifax in 1804 to John Howe and Mary Edes Howe, Joseph Howe made his first mark on our country in 1828 as the publisher of the *Nova Scotian*. Howe had the goal of not only reporting on the politics of Nova Scotia at the time but also to enlighten his fellow citizens and educate them as to the benefits of achieving responsible government.

Eventually, Howe's writings culminated in a seditious libel suit against himself and the *Nova Scotian* in 1835. As John Ralston Saul wrote: "His six hour defence and subsequent acquittal is a defining moment of the arrival of freedom of speech in Canada."

In 1835, like the rest of the colonies at the time, Nova Scotia had a real democratic deficit, to use a more modern term, and Joseph Howe fomented the call for democracy. He did this through the promotion of public education, which, to his mind, was the only way to achieve a truly democratic society. Howe believed that every child in Nova Scotia should have the opportunity to learn to read and write, to have access to books, and that every adult who did not have that chance should be afforded the same.

Howe began his official public service in 1836 when he won a seat on the legislative council on a platform of support for responsible government. In 1848, after 20 years of toiling, Howe paved the way for the election of the Reformers and the ultimate achievement of responsible government, the first colony to achieve this. As Howe himself put it, this came about without "...a blow struck or a pane of glass broken."

Joseph Howe fought against entrance of Nova Scotia into the Confederation of Canada. He did so on the grounds that it was not a great deal for his home province and that it was being done

in an undemocratic manner. Of course, he ultimately lost the struggle but went on to serve this country in the federal cabinet and eventually held the office of Lieutenant Governor of Nova Scotia for one month before his death in 1873 at Government House.

I wish to salute the Honourable Joseph Howe and to recognize his historic contributions — freedom of speech, responsible government and public education. Our country and my province owe this man a great debt of gratitude. I am humbled to occupy the same office that he once did.

In closing, I wish to recognize with sincere appreciation the efforts of Michael Bawtree, Executive Director of the Joseph Howe Initiative, and to commend that entity for the numerous events it has organized and participated in over this year, all in celebration of the two hundredth anniversary of the birth of Joseph Howe.

[Translation]

ROUTINE PROCEEDINGS

APPROPRIATION BILL NO. 2, 2004-05

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-34, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2005.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

[English]

On motion of Senator Day, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

APPROPRIATION BILL NO. 3, 2004-05

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-35, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2005.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[Translation]

BILL TO CHANGE BOUNDARIES OF ACADIE—BATHURST AND MIRAMICHI ELECTORAL DISTRICTS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-36, to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Losier-Cool, bill placed on the Orders of the Day for second reading two days hence.

[English]

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, to provide for real property taxation powers of First Nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

TELEFILM CANADA ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-18, to amend the Telefilm Canada Act and another Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

• (2020)

[English]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit from Monday, January 31 to Thursday, February 3, 2005 even though the Senate may be adjourned for a period exceeding one week.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 4 p.m. on Tuesday, December 14, 2004 even though the Senate may be then sitting, and that rule 95(4) be suspended in relation thereto.

Honourable senators, I am prepared to explain why I am requesting leave at this time.

Hon. Terry Stratton (Deputy Leader of the Opposition): What is the explanation for that?

Senator Stollery: The reason is that Minister Pettigrew is appearing before the committee tomorrow, and I only learned of that on Friday.

The Hon. the Speaker: Is leave granted honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice, that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Human Rights be empowered, in accordance with rule 95(3), to sit Monday, January 31, 2005 even though the Senate may then be adjourned for a period exceeding one week.

ISRAELI-PALESTINIAN QUESTION

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I wish to say that I am glad that the Senate gave unanimous consent to allow the Foreign Affairs Committee, at long last, to question the Minister of Foreign Affairs tomorrow. It will be an interesting debate and honourable senators should attend.

[Translation]

Honourable senators, I give notice that two days hence:

I shall call the attention of the Senate to the Israeli-Palestinian question and the responsibility of Canada.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

CHINA AND LIBYA—VISIT BY PRIME MINISTER—
HUMAN RIGHTS ISSUES—MEMBERS OF DELEGATION

Hon. A. Raynell Andreychuk: Honourable senators, my question concerns a trip that the Prime Minister will be making to Libya. Amnesty International is calling for a review of Canada's relations with China, Asia's economic tiger, a country also known for some human rights offences.

Last week, the *Ottawa Citizen* reported that Mr. Martin will be visiting China in January "as part of Canada's decade-old effort to boost trade with the world's fastest growing economy."

Mr. Martin has also indicated that he is going to Libya, and the newspaper article stated that Canadian petroleum companies want Mr. Martin to pave their entry into Libya, which has potentially lucrative oil fields.

In light of the continuing issue of balancing trade expectations in Canada and Canada's high commitment to the adherence of human rights, could the Leader of the Government advise the Senate whether the issue of human rights will be raised with Mr. Khadafi when Prime Minister Martin visits Libya? If so, in what context will he raise it?

Hon. Jack Austin (Leader of the Government): Honourable senators, the short answer is that human rights issues, both internationally and in terms of our bilateral relationship, will be on the agenda of discussions with President Khadafi.

Senator Andreychuk: Will the issue of human rights also be taken up in China? In both cases, will the Canadian public know that this has been done and have some assurance that the issue of human rights will not be lost?

Senator Austin: Honourable senators, the agenda for the Prime Minister's discussions with Chinese leaders will include subjects relating to human rights.

With respect to both Libya and China, the Government of Canada is active in building capacity in those countries for administration under the rule of law. Senator Andreychuk is familiar with our programs with respect to the training of judges and counsel, particularly prosecutors, and the development of objective rule of law norms. Those are important topics, and I raise them to illustrate the capacity building in which Canada is engaged.

Senator Andreychuk: Honourable senators, we speak about human rights, but we also encourage trade. I think that the Canadian public and businesses should know that the Canadian government is balancing the two. As an example, Canadian companies went into Sudan but, because of Canada's active non-governmental institutions, the companies had to balance human rights issues rather than the government doing so.

I ask that the government fairly raise trade and human rights issues in Libya and China in order that businessmen who deal in those countries will know that the Canadian public is concerned about both.

Senator Austin: Honourable senators, I am entirely in accord with the principal direction of Senator Andreychuk's comments. It is not trade or human rights; it is trade and human rights. The goal is the total relationship. Our objective as a country is to bring every member of the international community into the development of democracy, respect for human rights and the rule of law.

LIBYA—VISIT BY PRIME MINISTER—
MEMBERS OF DELEGATION

Hon. Marcel Prud'homme: Honourable senators, I find this exchange extraordinary. Diplomatically, Canada recognizes Libya. However, Libya was unable to find an embassy in Ottawa. On the eve of my departure to Cuba, I was able to arrange for accommodation to be used as an embassy. Of course, all of the real estate people in Ottawa were upset with me for finding such accommodation at no cost to the Libyan embassy.

• (2030)

We now have a good diplomatic relationship with Libya, it would seem, and the embassy is located above the offices of the Liberal Party of Canada on Metcalfe Street.

In view of the fact that everyone refused to rent accommodation to the Libyan Embassy at that time, in view of the fact that the first ambassador was recognized only as a chargé d'affaires and who is the person starting a diplomatic relationship in Washington, and in view of the fact that the last goodbye party was at 7 Rideau Gate and I asked the ambassador of the United States of America to say some words, my question is: Who will be in the delegation to go to this new great ally of Canada called Libya?

I am sure I know the answer, but I would like the minister to tell me and give me the list of people who have been asked to accompany the Prime Minister of my country.

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have the list, apart from the Prime Minister himself. The delegation to Libya will be very small. Canada is seeking to normalize its relations with Libya through the discussions between the Prime Minister and Mr. Gadhafi.

Senator Prud'homme: The Prime Minister will be leaving before the end of this week. Surely the Leader of the Government can produce an answer to a very simple request. I do not usually have difficult requests. It would be interesting to know who in each party has been asked to accompany the Prime Minister. I am not asking that I be included in the delegation. I am able to pay the flight myself and arrive one day early to welcome them. However, I would like to know who will accompany the Prime Minister of Canada.

Senator Austin: I will certainly make that inquiry, with every effort to report by Wednesday of this week.

CHINA—VISIT BY PRIME MINISTER— HUMAN RIGHTS ISSUES

Hon. Mira Spivak: I know that the Leader of the Government is very familiar with the situation in China. *The New York Times* has run a series of articles recently about human rights abuses in China. One of them has been about the plight of farmers who have no due process or protection of the law when forced off their land because they have no ownership rights. The second is the issue of Tibet and the cultural intervention that China is proceeding with in Tibet. Will those two issues be on the Prime Minister's agenda to raise?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to make inquiries. I do not have that degree of detail about the Prime Minister's agenda.

CHINA AND LIBYA—VISIT BY PRIME MINISTER— MEMBERS OF DELEGATION

Hon. Terry Stratton (Deputy Leader of the Opposition): I would expect that the Leader of the Government would know how many senators are going on this trip with the Prime Minister. Are there none?

Hon. Jack Austin (Leader of the Government): As far as I know, just one.

Senator Stratton: May I ask who?

Senator Austin: I believe it is me.

Senator St. Germain: What else is new?

Senator Forrestall: You did not have to take that one as notice.

NATIONAL DEFENCE

LOCATION OF NEW HEADQUARTERS

Hon. J. Michael Forrestall: Honourable senators, I wish to take the Leader of the Government back to questions asked last week and earlier because there has been much confusion.

A city councillor in Ottawa last week sent out a press release saying that the Department of National Defence was moving its headquarters to the JDS Uniphase complex, claiming that the councillor had inside information that appeared, if true, to trample somewhat upon parliamentary privilege.

The *Ottawa Citizen* published a story on Saturday and Sunday that said that the deal to move NDHQ to the JDS Uniphase complex was abandoned more than a year ago and that there is currently no plan to move National Defence Headquarters anywhere.

I have been told there were meetings this past week in Montreal to discuss a move to Gatineau on land purchased near the casino. Surely, if the city councillor is claiming to be briefed on this matter by the government, then the government must be able to brief the Senate. Can the Leader of the Government tell us if National Defence Headquarters in fact has any plans to move and, if so, where to? What sites are currently under consideration?

Hon. Jack Austin (Leader of the Government): Honourable senators, I know that Senator Forrestall has had quite a long interest in the possibility of the move of National Defence Headquarters. I recall these questions in the spring when he was expressing real concern about the possibility of the headquarters being moved to the JDS Uniphase campus located in Ottawa's west end.

The information I have been given is that in March 2004, JDS put its property at 3000 Merivale Road up for sale on the international market. The Department of Public Works and Government Services Canada submitted an expression of interest for the acquisition of the complex in April 2004, which was not pursued by JDS. In July 2004, the Department of Public Works was then approached by JDS and discussions were renewed. However, the Department of Public Works was advised on July 30, 2004, that DND was not prepared to endorse that acquisition. Consequently, all discussions with respect to the JDS site have been terminated.

In answer to the balance of Senator Forrestall's question, I am not aware that there are ongoing negotiations or even that an expression of interest in another property has been tendered, but of course I will make inquiries.

Senator Forrestall: It may be some time before we will get a response. Do I understand from the minister's answer that Department of National Defence officials and others in government, both municipal and federal, have less concern today than they might have had a year ago about the security of the present building, which is surrounded by hotels, schools and medical facilities? Is there a lowered concern about a threat to that building? If there is not a lowered concern, could the minister report back to the house so there might not be quite so much confusion as to whether it is the intention of the Department of National Defence to explore further sites in the Ottawa regional area for the location of National Defence Headquarters? Common sense would dictate a move.

Senator Austin: Honourable senators, I am very happy that Senator Forrestall and I agree that the existing site is not as secure as it should be. In questions last spring, I expressed the concern of the government with respect to NDHQ's location, referring, as

Senator Forrestall has said, to its location adjacent to a shopping centre, with traffic underpasses and other issues relating to security, which is why the government would like to find a new site for the Department of National Defence.

• (2040)

Senator Forrestall is aware that the Department of National Defence has premises in several locations around the city and, as such, is eager to operate from a more unified centre, which would be secure. However, I have no information for the Senate with respect to any ongoing search for suitable accommodation in the Ottawa region.

Hon. Lowell Murray: Honourable senators, I wonder whether the government has considered in this matter obtaining the services of Senator Prud'homme, who has shown his ability to obtain favourable real estate on very good terms for the government of Libya and might be persuaded to devote his talents to the benefit of the Department of National Defence.

Senator Austin: Honourable senators, I would be delighted to be approached by Senator Prud'homme.

Hon. Marcel Prud'homme: Honourable senators, I usually listen to every word from Senator Murray, but I was in a deep conversation vis-à-vis a future committee. I apologize.

Would the honourable senator kindly repeat what he said, so that I at least can know what happened?

The Hon. the Speaker: It would be a bad precedent to have exchanges between senators in Question Period. Under the *Rules of the Senate*, questions may only be put to designated persons, and not to others, so I will now recognize Senator Oliver.

NATURAL RESOURCES

NOVA SCOTIA AND NEWFOUNDLAND AND LABRADOR—NEGOTIATIONS ON OFFSHORE OIL

Hon. Donald H. Oliver: Honourable senators, my question for the Leader of the Government in the Senate deals with the offshore agreement for Nova Scotia and Newfoundland and Labrador.

Six months have passed since Prime Minister Martin promised that Nova Scotia and Newfoundland and Labrador would keep 100 per cent of the revenue from their offshore resources. As we all know, that promise has not been fulfilled. The discussions to reach a deal have progressed slowly, over almost two months, with little involvement from the Prime Minister himself. Premier Williams of Newfoundland has said that all sides have agreed that this matter will be concluded one way or the other by Christmas.

Why is the federal government dragging its feet, and where is the will on the part of the federal government, and especially the Prime Minister, to resolve this issue?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Government of Canada is not dragging its feet. It has expressed its will by ongoing discussions at the level of the Prime Minister, the Minister of Finance, the Minister of Natural

Resources, the Clerk of the Privy Council and other very senior officials of those departments. The premise of Senator Oliver's question is incorrect. The Government of Canada and the Provinces of Nova Scotia and Newfoundland and Labrador are working assiduously to conclude an agreement that is both fair to those two provinces and to all of the provinces of Canada.

Senator Oliver: In order to keep the federal government focused on reaching an agreement, last week, the premiers of Newfoundland and Labrador and Nova Scotia had to send their finance ministers to Ottawa for an unscheduled meeting with Ralph Goodale, the federal Minister of Finance. The premiers also met last week in Halifax with the Clerk of the Privy Council. If the Prime Minister really wants to live up to his promise of 100 per cent and follow through with the deal, why does he not personally become involved in these very important discussions?

Senator Austin: The Prime Minister is personally involved in these very important discussions, honourable senators.

PUBLIC WORKS AND GOVERNMENT SERVICES

MILLENNIUM BUREAU—ALLEGED IRREGULARITIES

Hon. Gerry St. Germain: Honourable senators, my question is also for the Leader of the Government in the Senate. Last week, we learned that, beyond the sponsorship program, the \$150-million Millennium Bureau also suffered from a lack of transparency. Grant applications forwarded by members of Parliament were processed by Alfonso Gagliano's office, which in turn told staff to leave no paper trail within the Public Works and Government Services bureaucracy. We only learned this recently, not as a result of the Prime Minister or the current Minister of Public Works and Government Services coming clean on behalf of the government, but as the result of sworn testimony before a committee in the other place by a former member of Mr. Gagliano's staff.

There are two possible reasons as to why the government did not tell Parliament about the problems with the Millennium Bureau. The first is that the government was aware of problems with the way Public Works and Government Services logged information but chose not to tell us about these problems; and the second is the possibility that the government has done little to determine whether there were other problems at Public Works and Government Services beyond "Adscam."

Which is it? Have the Prime Minister and the Minister of Public Works and Government Services been fully aware of the problems within the Millennium Bureau all along and simply not told us, or have they done nothing to determine what else went on in Mr. Gagliano's office?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am tempted to make a very long answer, but I know that Senator Stratton would not approve.

I have seen newspaper reports, the same ones that Senator St. Germain is relying on. He is referring to an appearance before the Standing Committee on Public Accounts in the other place on Thursday, December 2, in which a witness told the committee that the correspondence received by Minister Gagliano on the Millennium Partnership Program was not registered in the departmental system.

I am pursuing the same information that Senator St. Germain is asking for today. A witness makes a statement, and obviously there is work to be done in order to corroborate or contradict a statement that was made, and that work is under way.

Senator St. Germain: According to Monday's *Toronto Star*, the government did not even know where the records of the Millennium Bureau are held. Is this report accurate? If so, has the government now located the records and will it use those records to shed some light upon this bureau and its activities?

Senator Austin: As I have said, honourable senators, the investigative work is under way, and of course the government intends to answer Senator St. Germain's question.

Senator St. Germain: Honourable senators, in dealing with public funds, it appears that the Liberal government has gotten to the point where it feels there does not have to be any accountability. They have named emissaries and special envoys, but we cannot even ask related questions because we do not have any details regarding how they originate, how they come into being, or how they are funded.

Serious allegations have been made about the manner in which records were kept for the \$150-million program. Is the government prepared to ask the Auditor General to review the manner in which the program was run and, if not, why not?

Senator Austin: Honourable senators, I am quite aware of the December 13, 2004, edition of the *Toronto Star* in which reporter Les Whittington has written that parliamentary researchers have been able to find much information about how the Millennium Partnership Program was managed and that a final audit, to which the bureau was committed, was never conducted. As I said in my answers to Senator St. Germain's questions, the accuracy of that column and the facts on which it is based are now being checked, and as soon as I am able to give an answer regarding the Millennium Bureau of Canada, I certainly will.

Senator St. Germain: To go back to my question, is the minister prepared to say that, if there is mismanagement in this process, the government is prepared to ask the Auditor General to find out what has been going on and, if not, why not?

Senator Austin: At this stage, the government is doing its own research and analysis. However, as Senator St. Germain knows, the Auditor General has the legal authority to inquire into this matter on her own motion. She is fully able to undertake whatever investigations into the Millennium Bureau she wishes.

• (2050)

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present eight delayed answers: Response to an oral question raised in the Senate on November 18 by Senator Oliver, regarding the Technology Partnership Program, repayment of loans.

[Senator Austin]

[Translation]

The second response is to an oral question raised in the Senate on December 2, 2004, by Senator Gustafson regarding aid to farmers. The third response is to an oral question raised in the Senate on December 7, 2004, by Senator Andreychuk regarding Radio Canada International. The fourth response is to an oral question raised in the Senate on December 2, 2004, by Senator LeBreton regarding the Victims of Crime Initiative — involvement in parole hearings.

[English]

Response to an oral question raised by Senator Oliver on December 2 regarding the spread of AIDS; availability of increased funds.

Response to a question raised in the Senate on November 16 by Senator Di Nino regarding the Listening to Canadians poll.

A response to an oral question raised in the Senate by Senator Oliver concerning the "Listening to Canadians" poll.

Response to an oral question raised in the Senate on December 7 by Senator LeBreton concerning the Minister of Citizenship and Immigration, election campaign.

INDUSTRY

TECHNOLOGY PARTNERSHIP PROGRAM— REPAYMENT OF LOANS

(Response to questions raised by Hon. Donald H. Oliver on November 18, 2004)

Q 1. Will TPC keep invested funds on their books as a receivable or will they write it off knowing that the funds they invest will not be repaid?

A 1. TPC is a program to share risks and encourage investments. Repayments are made when the investments are successful. The eventual success of the projects are dependent on many market factors which cannot be predicted with certainty.

TPC contributions are recorded as expenditures. Receivables or "due to the Crown" are recorded when the conditions triggering the repayments occur. Conditions normally include the successful development and marketing of a new product. This accounting procedure follows generally accepted accounting principles standards across the industry and Treasury Board guidelines.

The majority of TPC projects are in the research and development (R&D) phase and, therefore, significant repayments are not expected for a number of years, but early evidence is encouraging.

Q 2. Can Canadians be assured that they are not being misled when TPC refers to an investment with Canadian Shipbuilding & Engineering Ltd. (CSE) - as conditionally repayable?

A 2. All TPC investments are repayable, this is a condition of its contribution agreements.

TPC invested in this project based on its merits and the importance of its technological innovation in shipbuilding.

TPC confirmed eligibility of the applicant and the normal due diligence and approval processes were carried out.

The Ethics Commissioner has confirmed that no intervention was made by the Right Honourable Paul Martin, or any other individual linked to Mr. Martin, regarding the application process of CSE for a TPC investment.

TPC is a program to share risks and encourage investments. TPC receives repayments when investments and the projects they are supporting are successful. The majority of TPC projects are in the R&D phase and therefore significant repayments are not expected for a number of years.

AGRICULTURE AND AGRI-FOOD

AID TO FARMERS—COMMENTS BY MINISTER

(Response to question raised by Hon. Leonard J. Gustafson on December 2, 2004)

The Government of Canada recognizes that producers' incomes continue to be negatively affected by the impacts of border closures related to BSE, weather conditions and a rising Canadian dollar.

The CAIS program is the main tool for governments to help producers deal with income fluctuations. The CAIS Program represents a long-term commitment by federal and provincial governments that effectively protects producers from both small and large drops in farm income. The CAIS Program is a whole-farm program available to farmers regardless of the commodities they produce. Participants select a protection level (up to 70 per cent) for their operation and then make the necessary deposit to secure that protection level.

Ministers have agreed to a number of enhancements to CAIS to ensure that it meets the immediate needs of producers. Interim payments for the 2004 CAIS Program have been available since July and the level of interim payments has been increased from 50 per cent of a producer's estimated payment to 70 per cent. In addition, the one-third simplified deposit option has been extended to the 2004 CAIS Program. This means that producers will only have to deposit one-third of the otherwise required amount in order to receive a full government payment. As well, negative margin coverage has also been added to the CAIS program. Final payments are currently being made for the 2003 CAIS Program and interim payments are now available for 2004.

As of December 6, 2004, \$372.1 million has been delivered to Canadian producers under CAIS for the 2003 program year and \$165.5 million has been delivered to Canadian producers for the 2004 program year. It is forecasted that CAIS will payout between \$1.2 and \$1.5 billion for the 2003 program year.

Through the BSE situation, the CAIS program has remained the main vehicle to address producers' income fluctuations. In addition to CAIS, governments have implemented a number of programs to help the livestock sector deal with the situation. The most recent being announced on September 10th. This national strategy, with measures totaling \$488 million in federal funding, was introduced to help reposition the Canadian cattle and beef industry to ensure its long-term viability and profitability, whether or not borders open.

This Repositioning Strategy included federal funding to further efforts of governments and the industry in four areas, including having the U.S. border reopened, facilitating increased domestic slaughter capacity, sustaining the industry until the slaughter capacity is increased and increasing international market share for Canadian beef. A major portion of this federal money (\$384.7 million) was committed to initiatives to sustain the industry through payments going directly to producers. As part of the strategy, Set-aside Programs have been initiated for fed and feeder cattle to help maintain cattle prices and a mechanism has been established to help deal with older cows and bulls which are past their normal productive life.

Since May 2003, federal and provincial governments have committed up to \$2.5 billion for BSE-related industry support initiatives above and beyond existing business risk management programming.

Taken together, these programs have gone a long way towards addressing the industry's current income difficulties. Minister Mitchell is committed to working with the provinces and industry on options aimed at addressing continued income shortfalls.

CANADIAN BROADCASTING CORPORATION

UKRAINE— RADIO CANADA INTERNATIONAL CUTBACKS

(Response to question raised by Hon. A. Raynell Andreychuk on December 7, 2004)

- In accordance with the *Broadcasting Act*, the CBC is mandated to provide "an international service" in accordance with any orders the Governor in Council may issue. It does so through Radio Canada International (RCI) which produces and distributes over 350 hours of programming weekly in English, French, Mandarin, Cantonese, Russian, Spanish, Arabic, Ukrainian, and Brazilian-Portuguese.

- From April 1998 to March 2003, RCI was funded by a contribution agreement between the Department of Canadian Heritage and the CBC. In March 2003, the Government reintegrated RCI funding into the CBC's parliamentary appropriation, which gave the CBC full responsibility for the service.
- At the same time, the Government issued an Order-in-Council to the CBC to reinforce RCI's mandate as Canada's international broadcasting service. The Order requires RCI to consult with the Department of Foreign Affairs on the selection of geographic areas and languages of broadcast and it obliges CBC to set operational objectives for RCI and to report on the results it has in achieving those objectives in the CBC Annual Report.
- On February 2, 2004, the CBC/SRC announced a repositioning of RCI programming that would reduce but not eliminate Ukrainian-language programming and add a new weekly program in Brazilian-Portuguese and an evening daily program to India in English. RCI has delayed any changes to Ukrainian-language programming to late January 2005. Currently, there are 30 minute broadcasts seven days a week in Ukrainian. In September 2004 RCI indicated it would reduce Ukrainian-language programming to 2 hours per week.
- The Department has been informed that on Tuesday, December 14, 2004, RCI will be meeting the Ukrainian-Canadian Congress to hear its concerns.
- The CBC is an autonomous Crown corporation responsible for the management of its day-to-day operations. It enjoys journalistic and programming independence, and, as such, the Department does not direct programming decisions within the CBC, including Radio Canada International.

JUSTICE

VICTIMS OF CRIME INITIATIVE— INVOLVEMENT IN PAROLE HEARINGS

(Response to question raised by Hon. Marjory LeBreton on December 2, 2004)

The Minister of Public Safety is responsible for corrections and parole, including the National Parole Board. The need to provide assistance to victims of crime to attend hearings of the National Parole Board has been explored in consultations jointly hosted by the former Department of the Solicitor General, the National Parole Board, the Correctional Service of Canada and the Policy Centre for Victim Issues. The Minister of Public Safety can provide information on the options under consideration.

In 2000, the federal government allocated \$25 million over five years for federal victim-related initiatives and programs. In response to the Report of the Standing Committee on Justice and Human Rights, *Victims' Rights*,

A Voice Not A Veto, the Policy Centre for Victim Issues, within the Department of Justice, was established to implement a federal strategy for victims and enhance the role of victims in the justice system.

The Policy Centre for Victim Issues provides the "victims lens" for all criminal law reform and criminal justice policy development for which the Department of Justice is responsible. The Centre is also responsible for sharing information and the co-ordinating of initiatives with other federal departments to encourage a consistent federal approach. The Centre has a broad mandate to consult with victims, victim advocates and service providers and others involved in the criminal justice system to identify issues of concern and to inform our policy development and criminal law reform. The Centre also works closely with provinces and territories who have a key role in the administration of justice and provision of services for victims.

The Victims Fund, (\$2 million per year) administered by the Policy Centre for Victim Issues, provides grants and contributions to non-governmental organizations for innovative programs, services, public education, research and other victim-related projects and to provinces and territories to assist in the implementation of victim legislation (*Criminal Code* and provincial). There are four components to the Victims Fund: provincial and territorial implementation, innovative pilot projects and activities, Northern and rural projects and activities and a limited amount for emergency financial assistance (including financial assistance for victims to attend s. 745.6, "faint hope" hearings, but does not provide financial assistance for victims to attend parole hearings).

The Policy Centre has conducted extensive research that benefits provincial victim services, victim advocates and informs policy and legislative development. Research initiatives include: a multi-site victim/criminal justice system personnel survey to determine awareness of legislative provisions and their impact on the justice system and victims; a study on the developmental capacities of children required to testify; a court observation study of Toronto's Child Friendly Court; a Directory of Services for Children As Witnesses; a review of the issue of Privacy Rights of Victims and Witnesses; a study on the use of conditional sentences in the North; a compilation of Victim Services in the Territories; a manual for service providers that applies the current research to practice; a case law review on sexual assault and a survey of victim services providers to determine the information needs of sexual assault victims for the purpose of updating the publication, *After Sexual Assault*, and research to explore the impact of plea bargaining on victims and the administration of justice. Research reports are also available on request and on CD ROM regarding Criminal Injuries Compensation, A Literature Review of the Victims Perceptions of Restorative Justice, Report on Victim Impact Statement Focus Groups and the Literature Review of the Victim's Role in the Criminal Justice System. On December 9, 2004, the Canadian Centre for Justice Statistics released *Victim Services in Canada*, a survey sponsored by Policy Centre for Victim Issues.

A Fact Sheet series has been published and includes Impaired Driving, Restorative Justice, Conditional Sentences, The Victim Fund, Victim Impact Statements, Victim Surcharge and a handbook, and The Victims Guide to the Criminal Justice System. The development of a National Directory of Victim Services is under development.

HEALTH

SPREAD OF HIV/AIDS— AVAILABILITY OF INCREASED FUNDS

(Response to question raised by Hon. Donald H. Oliver on December 2, 2004)

The new Federal Initiative on HIV/AIDS will focus on enhancing national and front-line programs that are evidence-based and aligned with the regional characteristics of the epidemic and the specific and discrete needs of vulnerable Canadians.

The Public Health Agency of Canada, through its community action programs, will continue to support community-based organizations to deliver local prevention, care and support services to people living with and vulnerable to HIV/AIDS, including women, Aboriginal peoples and individuals from countries where HIV is endemic.

In addition, specific research projects related to vulnerable populations will be supported by the Public Health Agency of Canada and the Canadian Institutes of Health Research. For example, past research initiatives concerning women included research on perinatal HIV transmission and on the development of microbicides, a female-controlled method of preventing HIV and other sexually transmitted diseases.

Health Canada and the Public Health Agency will continue to work in collaboration with representatives of First Nations, Inuit and Métis populations through the National Aboriginal Council on HIV/AIDS. The Council provides advice on HIV/AIDS issues regarding Canada's Aboriginal peoples.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— EXPENDITURES ON PUBLIC OPINION POLLS

(Response to question raised by Hon. Consiglio Di Nino on November 16, 2004)

The survey in question was conducted in February 2004 by the now-defunct Communication Canada.

While it was Communication Canada's practice to post its "Listening to Canadians" survey on the internet, there was insufficient time to post the last survey before the Communication Canada's disbandment on March 31, 2004.

The research results were sent to Library and Archives Canada and the Library of Parliament, as is done for all public opinion research.

Results of the survey were presented to cabinet.

Cabinet discussions on the survey were shared with the Public Accounts Committee of the House of Commons in February 2004.

SPONSORSHIP PROGRAM— AVAILABILITY OF POLLING RESULTS ON "LISTENING TO CANADIANS" SERIES

(Response to question raised by Hon. Donald H. Oliver on December 9, 2004)

None of the surveys mentioned by the Senator asked whether Canadians think of their government in terms of "federal government departments, Jean Chrétien, Paul Martin, the Liberal Party, or taxes."

The entire question asked in the September 2003 poll (not February 2004) was: "When you think of the Government of Canada, who do you think of first?"

Research firms regularly identify possible answers to help their telephone operators sift through the responses.

Those possible answers are not read out to the public; they were not read out to the public in any of the surveys.

The survey in question, conducted in February 2004 cost \$127,000.00.

CITIZENSHIP AND IMMIGRATION

MINISTER'S ELECTION CAMPAIGN— REQUEST TO STEP DOWN

(Response to question raised by Hon. Marjory LeBreton on December 7, 2004)

This matter was brought to the attention of the Minister. For the sake of transparency and accountability, she returned the money and instructions were given to cancel the official receipt. The Minister spoke with officials on her campaign and was told that a clerical error was made and that the election receipt was issued to the wrong person. It was human error by a volunteer. These things happen. The matter has now been taken care of.

With respect to the issue of her senior aide's visit to an exotic dance club, there are no accurate figures on the amount of clubs the Minister's aide visited.

CITIZENSHIP AND IMMIGRATION

EXTENSION OF VISA OF BONDARENKO FAMILY

Hon. Wilfred P. Moore: Honourable senators, last week I asked questions of the Leader of the Government in the Senate with regard to seeking an extension of time for the Bondarenko family of Russia to remain in Nova Scotia before venturing outside Canada to make their immigration application.

Having heard no response tonight to my questions, and by way of information to the Senate, I am pleased to report that, yesterday morning, just as the Bondarenko family was about to again set sail from Halifax to Bermuda, they were contacted by the Canada Border Services Agency and advised that the exclusion order pertaining to them has been extended from December 14 to June 30, 2005.

The Bondarenko family intend to sail to Lunenburg this week, where a berth has been provided for their sailboat by the Lunenburg Industrial Foundry/Engineering Company. I understand that the family has also been offered an onshore residence in which to live. I know that the good people of Lunenburg will rally to the aid of Mr. and Ms. Bondarenko and their two young boys.

I wish to record my thanks to Deputy Prime Minister Anne McLellan, Minister Responsible for the Canada Border Services Agency, for this most compassionate and timely decision, as well as to Mr. Lee Cohen, the tireless lawyer for the Bondarenko's, and the son of our former colleague the Honourable Erminie Cohen.

The Hon. the Speaker: Honourable senators, I would indicate to the Honourable Senator Moore that this is not a point of order.

QUESTION OF PRIVILEGE

Hon. Marcel Prud'homme: Honourable senators, I wish to raise a question of privilege before the next item on the Order Paper is called.

It is a question of personal privilege, and a question of privilege should be raised, according to the rules, if it took place. I could have advised the Senate, but it took place during this meeting tonight. I do not appreciate it very much, although it may have been a joke, and I do not want to leave it as it is. It is a question of personal privilege.

Honourable senators, I have never been a businessman. I have never been a lobbyist. I am not in the real estate business. I did it not as a Québécois but as a Canadian. I helped some people who were troubled in that they were denied the opportunity to rent a place. It is called a chancellery. They were denied by all the real estate people of Ottawa and by all the owners of Ottawa an opportunity to rent property. I helped them to find a place. All the real estate people of Ottawa were mad at me because they lost money. I am not a real estate agent. I am not a businessman. I am not a lobbyist. As a Canadian, I helped some people that my government recognize as good friends. To my surprise, I succeeded in helping them out.

They are very happy with the arrangement and now, not only are they bona fide friends of Canada, the Prime Minister of our country will shortly visit that same country. The man who opened up the embassy here in Ottawa is the first ambassador to the United States of America.

I do not take lightly the smart comment made — perhaps as a joke — and I want this to be very clear: That is what I said earlier, and it is exactly where I stood and it is where I now stand.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, no other senator has risen on the matter.

While the normal practice is that questions of privilege are raised only with notice, there may be an exception. In any event, I can deal with this matter in that Senator Prud'homme has raised a grievance, in effect. For it to be a question of privilege that would require any action from the Senate pursuant to the provisions of rule 43, it would be a matter directly concerning the privileges of the Senate that is raised to seek a genuine remedy, which is in the Senate's power to provide and for which no other parliamentary process is reasonably available, and is raised to correct a grave and serious breach.

I cannot find that the putting of a question — perhaps it was serious, perhaps it was not serious, I am not sure — constitutes a grave and serious breach of the privileges of the Senate.

Therefore, while I appreciate the honourable senator raising the matter, it is in the nature of a grievance and not one which affects the privileges of all senators and rises to the test of a grave and serious breach.

ORDERS OF THE DAY

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-10, to harmonize federal law with the civil law of the province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law, and acquainting the Senate that they had passed this bill, without amendment.

• (2100)

CANADA EDUCATION SAVINGS BILL

THIRD READING

Hon. Wilfred P. Moore: Honourable senators, I move the third reading of Bill C-5, to provide financial assistance for post-secondary education savings.

Hon. John Lynch-Staunton: Honourable senators, I wish to speak to the procedure followed by the committee.

Bill C-5 was given second reading on Wednesday last, around 3:30 p.m., and at 8:57 p.m. the notice was received for the committee to meet on the bill at 11 a.m. the following morning. My argument is that committees are not convened just for the sake of committee members but for the sake of anyone in the public who may be interested in the bill. Again, I am not talking about the merits of the bill; I am talking about the process. This has happened in the past, and I have raised the subject before where committees will call a meeting on a bill for the following day, hours if not minutes after second reading is given. Although it is not in our rules, it would be a basic courtesy and an appreciation that bills in this place have as much public interest as they have in the other place and, therefore, the public should be given adequate warning to be allowed enough time to make whatever representations it might wish to.

In this case, the notice was received at 8:57 p.m. The meeting was called for 11 a.m. All the witnesses had already been lined up. Everything was set. There was a script and the public was left out of it. I object to this procedure. No matter how valid the bill, there should be more respect for others by appreciating that proposed legislation belongs to the public, not just to the Senate of Canada.

Hon. Ethel Cochrane: Honourable senators, I am pleased to have an opportunity to speak today to Bill C-5, the Canada education savings bill.

My perspective on this bill and more generally on post-secondary education issues is shaped by both my professional and personal experience as a former educator, as a mother who has seen her own children grapple with the stresses and strains of post-secondary studies and as a grandmother who dreams of seeing each of her 11 grandchildren enjoy the benefits of a good education.

Education has been called the great equalizer in society. The bill before us today attempts to make higher learning more easily accessible to a greater number of Canadians. In its present form, Bill C-5 provides individual Canadians with an incentive to encourage them to take this first step toward saving for a post-secondary education.

The potential impact of Bill-5 is significant, as it may encourage people who never considered the costs of post-secondary education before to start saving. It will also help many Canadians to finance the post-secondary pursuits of their children and grandchildren. That is a good thing and it is important. Our children and grandchildren are in desperate need of help when it comes to financing education costs.

As David Robinson of the Canadian Association of University Teachers pointed out to the members of the Standing Senate Committee on Banking, Trade and Commerce, the tripling of tuition fees since 1990 has placed an incredible burden on Canadian families, but none more so than those with lower and middle incomes. Mr. Robinson said:

In 1990, 20 per cent of Canadian households with the lowest income would have to spend about 10 per cent of their after tax income to pay for one year of undergraduate arts tuition. By 2002, this had risen to 17 per cent. The richest 20 per cent of households, by contrast, saw their tuition costs rise from 2 per cent to just 3 per cent of after tax income over the same time.

Honourable senators, that warrants repeating: 17 per cent of low-income families and 3 per cent of high-income households. I think we can all appreciate the marked contrast between 17 per cent of household income and 3 per cent.

As Senator Kinsella so clearly outlined in his address at second reading, there are many serious flaws in the existing approaches to government-sponsored student assistance programs. For example, students from low-income families see few of the benefits associated with the Canada Education Savings Grant, as many of the benefits go to those from higher income families.

The Registered Education Savings Plan is another example of a flawed approach. Student groups have called this plan a national system of indirect grants. The reasoning is this: As these grants generate income in a tax-free environment, the lost tax revenue essentially acts as a grant available only to the RESP investors. Overall, this is the type of vision that has characterized governments' approach to student assistance.

In an extensive study published by the Canadian Millennium Scholarship Foundation last month, it was reported that governments now spend more on assistance delivered through tax incentives than on needs-based loans and grants. In fact, needs-based student assistance was down by about 25 per cent.

In recent years, government has been putting more money back into student financial assistance efforts. In 2000-01, the cost of such programs totalled around \$4.7 billion. Unfortunately, these incentives have done little to improve the lot of students facing financial difficulties. The problem, as I touched on, is that programs are not designed to effectively target lower income groups. As a result, real benefits are not being reaped by those who need them the most.

According to recent data from the Canada Millennium Scholarship Foundation, youths from high-income families are twice as likely to attend university as youths from low-income families. With Bill C-5, government is attempting to help people overcome disparities such as this one. However, simply extending this incentive to people, particularly to low-income families who can ill-afford the out-of-pocket cost of investment in the here and now, is not enough. The reality for many low-income families is that there is no money left at the end of the month to put aside once the bills have been paid and the groceries put on the table.

In many regions of the country, my own included, seasonal workers are often only able to secure three or four months of employment in a year. This is income that they budget and stretch to sustain them for an entire year. This money is used to meet the family's fundamental needs, not to fund distant dreams of post-secondary studies that may be years away.

• (2110)

Even if a low-income family does manage to find a way to start investing early, the Canada learning bond's lifetime maximum of \$3,000 per child will not go far enough — not even remotely close — to help cover the cost of a four-year bachelor's degree. According to government estimates, when newborns from 2004 finally turn 18 years old, the cost of such a degree will be \$87,000. It should be noted, however, that student groups, among others, have put the cost of a basic Bachelor of Arts degree, including room and board, at \$130,000 within the next 20 years. This leads me to yet another concern that I have.

Bill C-5 does little to acknowledge some of the most serious issues facing post-secondary education today, namely, skyrocketing tuition fees and crippling student debt loads. I was shocked to read recently that, according to the Canadian Federation of Students, Canada Student Loan debt has already reached more than \$10.7 billion and is, they say, increasing at the incredible rate of \$1.5 million per day. In light of such realities, Bill C-5 simply fails to consider, let alone solve, the pressing, larger issues facing current and future post-secondary students.

I would like to provide honourable senators with a picture of some of the key concerns in my province. While the shrinking youth population in Newfoundland and Labrador has caused a decrease in the overall number of university students in the province, participation rates among the 18- to 24-year-olds — the percentage of the age cohort that is pursuing a university education — was well above the national average. In fact, the provincial participation rate has increased by more than 6 per cent between 1990-91 and 2002-03, almost twice the national average of 3.2 per cent.

Consider both university and college students and senators will see that Newfoundland and Labrador's participation rate was slightly above the national figure. When I realized the participation rate for my province, I was pleased, because it supported what others and I have been saying for years, which is that more and more of our people are obtaining post-secondary education and we are a better educated population than ever.

However, those numbers veil a serious problem. The data on the incidence and amount of student debt obscure the other numbers, indicating the high price people are paying to attain post-secondary education. It is true that students are mortgaging their futures to pay for an education.

Consider, for instance, that 63.7 per cent of Newfoundland and Labrador university graduates in 2000 graduated with student loan debt. That is almost 20 per cent more than the national average. Of even greater concern is that the average debt load among university graduates in my province who had student loans was over \$27,000. That figure places them well above the national average of \$18,900. The numbers tell the same story at the level of the highest debt loads as well. Newfoundland and Labrador has a greater proportion of graduates with debt over \$25,000 than any other province. Almost 39 per cent of

Newfoundland and Labrador university graduates have student debt loans that exceed \$25,000, compared to 13.4 per cent at the national level. It is almost three times the national average. Sadly, university students from my province can boast that they have both the highest incidence and amount of student debt of any province in this country.

The data on college graduates is disturbingly similar. A full 50 per cent of college graduates completed their studies having acquired student loan debt. The average amount of debt among college graduates in my province is over \$15,000. That figure is \$2,700 more than the national average. Data on student loan debt in excess of \$25,000 indicates that college graduates from the province are almost double the national average — 9.2 per cent compared to 5 per cent.

All this data is troubling when you look at the employment rates of college graduates in the province. While the employment rate for college-trained graduates rose 7 per cent nationally, in my province it actually declined by more than 5 percentage points.

Honourable senators, Bill C-5 attempts to address one of the key issues affecting participation in our post-secondary education system. While financial barriers are often income related, we need to remember that there are significant issues that go well beyond students' insufficient funds. In addition to steep tuition charges and a plethora of other fees, today's post-secondary institutions often demand higher secondary school averages as part of their entrance requirements. This too is an important factor. It is well documented that children from lower-income families are generally affected by poorer performance at the high school level.

These are some of my thoughts in respect of Bill C-5, and I have tried to put them in such a context as to present a bigger picture of post-secondary education. I should add that senators from the Standing Senate Committee on Banking, Trade and Commerce held hearings on this bill last week, and the testimony was powerful. However, at that meeting it was emphasized that time is an issue with this bill. According to the Director General of Learning and Literacy at HRSD, RESP promoters who deliver programs including the Canada Learning Bond and the Canada Education Savings Grant will need at least six months to upgrade their systems before they will be ready to accept a Canada Learning Bond into an RESP account. I find this difficult to comprehend, especially given all the human resources that are available in those departments. Therefore, passing Bill C-5 in this chamber before the end of the fiscal year means that Canadian children who are beneficiaries of this program will not lose out on one full year of post-secondary education contributions.

I am pleased, however, that honourable senators on the Banking Committee did offer a couple of key observations when they adopted the bill. Specifically, it was noted that the bill does not address concerns about financial and other supports for post-secondary education. The committee also urges the appropriate Senate committee to study and recommend solutions to these concerns. I should note there was unanimous support for these observations. In light of that, I am pleased to support the bill and the findings of the committee.

At this time, I wish to commend Senators Hubley and Callbeck for recently calling the attention of this chamber to post-secondary issues. I am pleased that this bill has been met with open debate, and I remain hopeful that, through our work, we will incite meaningful changes for the good of those attending Canada's post-secondary institutions.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

• (2120)

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Gill, for the second reading of Bill C-14, to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts.

Hon. Gerry St. Germain: Honourable senators. I am pleased to rise to speak to Bill C-14, the Tlicho land claims and self-government act.

I have read with great interest the excellent presentation made by Senator Sibbeston on Thursday last. I was not present for the speech but I did read it, and it showed the knowledge that the senator has of the area and the history of the people. He has lived amongst these people for most of his life.

He clearly reaffirmed the importance of the jurisdictional aspect with respect to the future success for our Aboriginal peoples. Recently we heard a presentation on how important jurisdiction is to the success of our Aboriginal peoples, and I think it was timely that the Senator Sibbeston raised this matter.

I believe that the Northern agreements prove that governments have risen above partisanship. It was, I believe, in 1984 that the Inuvialuit agreement was signed. There followed shortly thereafter the signing of the Gwich'in agreement in 1992 and the Sahtu agreement in 1994. Of course, in 1999, the Nunavut Land Claims Agreement was signed. It is an indication that all governments are responding to the needs of our Aboriginal people in a timely manner. However, the process could be expedited. I am of the opinion that they could be completed in a shorter time frame.

The government informs us that the bill has two main features: It gives the effect and force of law to the Tlicho agreement and tax treatment agreement, and it makes related and consequential amendments to other federal acts.

This agreement has been a long time in the making, much too long, as I pointed out earlier. Some say that to get to where we are today has taken 30 years or so. The government has told us that the negotiations have taken place over the last 12 years, and that the effective legal costs incurred by the Tlicho, not including the federal government's incurred costs, are in the order of \$27 million.

While I am sure we are all pleased that this agreement was concluded, there has to be a better way for Aboriginal peoples in Canada to realize their rightful place in Canada's makeup. I should like to plug my bill, the enabling legislation that I presented in this place, and ask that it be given careful consideration, and scrutiny, in particular by Senator Rompkey, if he would, please.

It is simply unacceptable for all the peoples of Canada to have to bear further admonishments from our Auditor General or external specialists over Canada's failure to implement the original terms of the treaties made between our Aboriginal nations and the Crown. Where no treaties exist, they must be created in the same vein as those that do exist.

The Tlicho agreement reflects the benefits of Canada's evolution in understanding the real meaning of the agreements that were struck so many years ago. We have the Supreme Court decisions to thank for helping us with our mutual understandings, and the court has been guided by Canada's Constitution. Here I am speaking of section 35, which, as Chief Justice Lamer said in the 1998 *Delgamuukw* decision, the purpose of section 35 is to reconcile Aboriginal and Crown sovereignty.

Honourable senators, it is not for me to describe the details of Bill C-14. That has been done partly by my honourable colleague, Senator Sibbeston, who is the government sponsor of the bill. Nor is for me to explain the purpose of the bill. That is abundantly clear to all who have followed the saga of the Crown's duty to negotiate contemporary treaties — of the Crown's fiduciary duty to Aboriginal people.

I will repeat the statement made by Chief Justice Beverley McLachlin in the recent *Haida* case, which characterizes the depth and latitude of the agreement we have before us today.

Madam Justice said:

Where treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims:...Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty, and to define Aboriginal rights guaranteed by s. 35 of the *Constitution Act, 1982*.

While I would like to see an expedited examination of this bill and the agreement in place so that the Tlicho people can get on with building a government that acts in the best interests of the people living on its lands, it has become clear that, in the other place, some questions remained unanswered, questions that all people in Canada deserve clear answers on.

It is important that the federal government's Minister of Indian Affairs and Northern Development and, more important, the government's negotiators, be summoned to appear before the Standing Senate Committee on Aboriginal Peoples where they can provide fulsome answers and thereby remove what appears to be a lingering doubt in the minds of some.

Canadians of all regions and walks of life deserve clarity from their government. We must have a clear understanding of this bill. I believe that this negotiated document is consistent with, and does not conflict with, the Constitution Act, 1982; and that it also is consistent with the intent and provisions of the Royal Proclamation, 1763 and the BNA Act, 1867. However, the flaw in these documents may be that — and this certainly applies to the Constitution Act, 1982 — the clarity of their intent, their meaning, is not well known in the broader Canadian community.

The principal concerns that have come to light in regard to the bill are as follows:

First, that the agreement fails to achieve a final settlement, that it lacks necessary certainty because it can be amend. This may be clarified and hopefully it will.

Second, that the nation's sovereign authority to act in international matters has been diminished. That has been discussed as well and, hopefully, it can be clarified.

Third, that a third order of government would be created, where it has paramouncy in certain areas over the federal level of government, and that a certain amount of jurisdictional confusion may arise. I am sure this can be clarified.

Fourth, that the Charter of Rights of individuals has been infringed, in that the agreement does not recognize official languages.

Fifth, and finally, the agreement may have been pursued aggressively to such a degree that certain neighbouring groups or other Aboriginal peoples in the general area of Tlicho lands such as the Metis — and I repeat, the Metis — may not have been given an equitable opportunity to assert their traditional rights.

I think this is the most important point. When we discussed the Nisga'a agreement, I had difficulty dealing with the overlaps in taxation. Here we have a situation where we have Metis people living on this land, and I must ask: Have their rights been protected? Have they been put into a position that they can lay claim to their rightful position under section 35 in the future?

Honourable senators, these matters must be clearly aired so that all can be understood; and I believe it will be. These are good questions and I am sure there are good answers to them.

As Chief Bill Erasmus said before the standing committee in the other place: "If people want to understand this agreement, ask us the questions. Let's do it in public. Let's put the issues on the table, because if the general public does not understand it, then it is not going to work."

Honourable senators, I could not agree more. Let the appropriate committee study this bill and its agreement. Let us ensure that the general public understands it; and let us conduct our examination in a prudent and timely manner. It is important legislation, and I hope all colleagues will give it their careful attention and their support.

Honourable senators, I look forward to being on the committee with Senator Sibbeston and the other members of the Standing Senate Committee on Aboriginal Peoples. I do not believe that procrastination is the order of the day on this. We should be in a position to expedite in a most efficient manner this important legislation for our Aboriginal peoples.

I only warn you of one thing: I will be stating a strong position in regard to the Metis people. From 1982, it was not until the *Powley* case that the government even looked at the Metis people.

• (2130)

All they have done is given them welfare money. They have not dealt with anything in regard to Metis people. The Supreme Court decision in the *Powley* case brought this issue to light. It is shameful that these people have not been dealt with fairly. I do not intend to stand in the way of the Tlicho people, but I intend to put forward, in a strong manner, the case of Metis.

Hon. Jeremiah S. Grafstein: May I ask the honourable senator a question?

Senator St. Germain: Sure.

Senator Grafstein: The honourable senator will recall that he and I spent some time in committee studying the Nisga'a treaty. I was not a member of that committee, but I did attend many hearings.

At the time, I raised a serious question about non-Aboriginals who are resident within the Aboriginal jurisdiction. I felt that non-Aboriginal tenants on the land would not be equally treated under the Charter with respect to their rights on the reserve under this treaty.

My honourable friend has had an opportunity, although I have not, to examine this particular bill. What is the difference between this bill and the Nisga'a agreement as it relates to Canadian residents or tenants on Aboriginal lands? What rights do they have to participate fully in the governance structure where they live?

Senator St. Germain: Honourable senators, I could take all night to go through the bill in finite detail. In this agreement, only half the council has to be Tlicho. The other half can be people other than Tlicho. That is one of the basic differences, but it is also a concern. The topic will be raised during the process of our hearings.

The Metis, in particular, have not been made part and parcel of this agreement. They have cited their concerns to us, which is why I brought them forward.

The main difference is that in the Nisga'a agreement, it will be Nisga'a only on their council, whereas with the provisions laid out in the Tlicho agreement in Bill C-14, there will be a permitted non-Tlicho group of up to half of the representation on the respective councils.

Senator Grafstein: I thank the honourable senator for that answer. I will look at the bill after it has been studied by the committee and before it goes to third reading.

The other question I have relates to the same question. My concern was that the Nisga'a treaty would end up establishing a third order of government, where the federal government would not be supreme. There was some serious question as to whether the Charter would fully apply.

The honourable senator has raised those same questions and has said that he hopes to have evidence to deal with those issues. I will await that evidence as well.

If the federal government has no right to amend the treaty and if there is a Charter challenge to the Supreme Court, how can the Charter be implemented if both parties have agreed in advance that there will be no changes whatsoever to the treaty arrangements?

Senator St. Germain: Honourable senators, I am not certain of that. I made reference to the overlapping nature in the questions that I laid out in my dissertation. I believe that the Constitution applies.

There is a certain area of confusion as to who has paramountcy. Among the first questions that I will be asking the minister in committee is how he can explain this, how the government views it, and how the legal branch of DIAND arrived at a conclusion that allows this paramountcy over the federal government to exist in the Tlicho agreement.

Senator Grafstein: Honourable senators, I will put my next question on the Senate record. I am not asking for a response.

I am concerned that the federal paramountcy may have been waived by this agreement. If that is the case, and it appeared to me in the Nisga'a agreement that it was, what power does the federal government have to exceed its jurisdiction by waiving its power?

Senator St. Germain: We will seek that answer in committee. If an international agreement affects the Tlicho nation, they will have some say according to this agreement. This is my understanding, but we will take a look at it in committee.

It is a government bill, and here I am answering for the government. I should ask the government leader if I joined them.

I thank the honourable senator for his questions.

Hon. Tommy Banks: Honourable senators, may I ask a question?

Senator St. Germain: Go ahead. I may not be able to answer it.

Senator Banks: I ought to have asked this question, honourable senators, of Senator Sibbeston when he made his speech, but I had to leave the chamber and could not. I will ask him, but I also wish to place the question on the record. It may be similar to the subject that the Honourable Senator Grafstein has already raised.

I recall the Nisga'a treaty fairly well. I want to preface this question by saying that no one could possibly disagree with the points made by Senator St. Germain or Senator Sibbeston about the propriety of the desirability of getting these agreements solved quickly and with proper treaties.

There is a difference, as mentioned by Senator St. Germain. If no treaties exist then new ones should follow along the track of the ones that already exist. The honourable senator cited the Chief Justice of the Supreme Court as having said that these are treaties that formalize pre-existing sovereignty.

If I recall, the Nisga'a treaty did not address the question of international agreements. The bill before us proposes that there should be consultation by the Government of Canada with the First Nation on any matter having to do with an international treaty that might have an impact on the lands that are dealt with in the present bill. I do not know enough about these things to have an opinion as to whether that is right. However, let us assume that it would be seen as a precedent and that there are hundreds of treaties having to do with land claims that have not yet been settled. I would be worried — and I hope that the question will be studied — that if we pass a bill that contains such a provision, meaningful consultation between the Government of Canada and a First Nation would have to take place with hundreds of First Nations each time an international treaty is contemplated that might affect those First Nations. Was that difference noted between the Nisga'a treaty, for example, and previous treaties? Is it something that ought to be addressed in committee?

Senator St. Germain: I think it should be addressed. We will ask the question. We want the negotiators there to ask them a number of questions. For example, why this point negotiated? Why was it not negotiated in the Nisga'a treaty?

There may be a reason that is unique in this particular area because of diamond mines or something regarding defence. There may be a certain circumstance that an international agreement would impact these people negatively. There may be extenuating circumstances. It would be nice to find out. Hopefully, we will find out at committee stage.

The biggest difference I cited was the taxation aspect of the Nisga'a agreement. I thought it was wrong when they accepted taxation because taxation equates with expropriation of native lands. This was true in the case of Oklahoma natives. One should read *And Still the Waters Run*, by Angie Debo.

I am happy with this proposed bill. I laid out my concerns in my short dissertation. Hopefully, we will get answers to them and we will all work together. If the bill needs improving, I am sure that this is the place to do it.

Hon. Serge Joyal: Will the honourable senator entertain another question?

Senator St. Germain: From the resident expert, yes.

• (2140)

Senator Joyal: Thank you, honourable senator. I am grateful for your kind attention.

When you raised the issue of the Metis people at the conclusion of your speech, it triggered a question in my mind. We have exchanged views on *Powley*, which was indeed an historical decision. The *Powley* case did not settle the issue of a territorial base for the Metis people. The Supreme Court decision concentrates essentially on the process of identifying who can claim to be a Metis. It set out, for the first time, three criteria to recognize a person as a Metis.

The other revolution in the decision, in my opinion, was the recognition of hunting and fishing rights for Metis people. However, the court left open the aspect of how to define a territorial base for the Metis people.

It is very valid, in my opinion, to question how the federal government should approach negotiations with the Metis people on the fundamental issue of a territorial base, because without a territorial base it is very difficult, if not impossible, to implement the concept of self-government.

Could the honourable senator explain more precisely why he believes this bill does not give recognition to the Metis people with regard to the territory at stake in this agreement? Is it the honourable senator's opinion that we should be concerned about this because, although it is progress for the First Nations, it settles nothing in terms of a territorial base for the Metis people?

Senator St. Germain: It is my understanding that the Metis people were not even consulted in this case, that they were left out of the equation. Some of them were offered band membership in the Dogrib band, which is the dominant band in the Tlicho region.

With regard to *Powley*, Senator Joyal is correct in saying that it establishes a basis for identification. In terms of establishing territory, *Powley* was successful in gaining the support of the Supreme Court because it recognized that there had been a continual Metis settlement in the area where *Powley* was subsistence hunting and fishing.

I have not fully explored this case, but I met with the Tlicho and with Metis representatives, and the Metis feel they were set aside by the negotiators.

How can the Metis now assert themselves on the land they have occupied from the time they came in contact with European settlers? How will this evolve from here? That is my concern. I

hope we can get some answers. If we cannot, my concerns about how we deal with the Metis will be exacerbated. They clearly have rights under section 35.

In 1982, Senator LeBreton telephoned me to say that Prime Minister Mulroney was thinking of naming Yvon Dumont Lieutenant-Governor of the Province of Manitoba and asked my opinion. My opinion was worth something at the time, although it is not now.

I voiced the concern I did at the end of my speech because we have had Dumont and Powley, and not very much else. Now we see that in Tlicho the Metis people are not being dealt with as they should be. There may be provisions in the bill that may be satisfactory, but if we are going to make agreements on comprehensive land claims of the magnitude we are looking at, and if there are Metis settlements within these lands, we have to deal with them more effectively. We cannot just say that the interlocutor has the responsibility of the Metis people and that that is the end of it.

That is my concern. I wish the honourable senator had asked Senator Sibbeston some of these questions. Perhaps he could have given better answers. However, we will get the answers in committee. I am sure that all of Senator Joyal's questions will be well answered there. I will be there to ensure that they are asked.

The Hon. the Speaker: As no honourable senator is rising, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Sibbeston, bill referred to the Standing Senate Committee on Aboriginal Peoples.

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of December 9, 2004, moved:

That a Special Committee of the Senate be appointed to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (*S.C. 2001, c.41*);

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Andreychuk, Day, Fairbairn, Fraser, Harb, Jaffer, Joyal, Kinsella and Lynch-Staunton and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That the committee submit its final report no later than December 18, 2005, and that the committee retain all powers necessary to publicize its findings until December 31, 2005; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that any report so deposited be deemed to have been tabled in the Chamber.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I wish to make a few observations on this motion, which is a matter of grave importance for our country. Bill C-36, the Anti-Terrorism Act that was passed after a thorough study by committees in both Houses, was a very important piece of work that raised some fundamental questions. Perhaps due to the work of the Senate committee on Bill C-36 those who acquired special powers through that legislation were influenced to exercise those powers very prudently.

The Anti-Terrorism Act came into force as a result of the tragedy of 9/11. Other democratic countries struggled as we did in Canada to find legislation that would secure the right balance between protecting the rights of citizens from intrusion by the state in matters of fundamental human rights and the right of society to defend itself from terrorist acts.

The bottom line, honourable senators, is that the Anti-Terrorism Act was the most sweeping and complex such law ever passed in Canada. It fundamentally altered the balance between the rights of the individual and the needs of Canada as a sovereign state to protect itself.

Section 145(1) of the Anti-Terrorism Act requires that a special committee conduct, after three years of the act being in force, a comprehensive review of the provisions and operation of the act.

That was a wise and prudent provision put in the statute, given the uniqueness and necessity of the act and the circumstances of those months after 9/11.

• (21:50)

The background, of course, is that the Anti-Terrorism Act explicitly recognizes the inherent balancing required when protecting Canadians against terrorist activity, while continuing to respect and promote the values reflected in the Canadian Charter of Rights and Freedoms. This is outlined in the preamble to the act itself.

The difficulty that arises when enacting legislation aimed at an invasive threat is to ensure that the measures taken are not too severe and do not unduly restrict the rights of Canadian citizens. An essential and pivotal safeguard of the Anti-Terrorism Act was the addition of a review in order to ensure that the measures implemented by the Anti-Terrorism Act were actually required and continue to be justifiable infringements on our rights. If we adopt this motion, this is the challenge and responsibility that we will be assigning to this committee of our colleagues.

The review by our colleagues on this committee will only be able to serve as a check and balance if the committee is allowed to fully access and evaluate all the evidence that would contribute to such a determination; otherwise, our committee will not be able to serve the function initially intended by Parliament. This is very serious. We must know what we are about this evening, as we consider this motion and strike that committee.

It seems to me that, without unfettered and uncensored access to all relevant information, the committee that we would be establishing by adopting this motion would not be able to fulfil its mandate. We want it to fulfil its mandate. That certainly was the intent of the committee that had studied the bill originally, that is, when this three-year review would come about.

Honourable senators, to fulfil its mandate, our committee ought to have the authority to do a number of things, such as scrutinize applications of the Anti-Terrorism Act and scrutinize intelligence used to trigger any such applications of the Anti-Terrorism Act. Our committee must be able to make inquiries into particular activities or incidents. In order to achieve its stated statutory purpose, the committee must have access to and receive unexpurgated reports from intelligence agencies; it must have access to and retain classified information where necessary; and it must travel in order to hear testimony from witnesses as deemed necessary by the committee.

Conversely, the honourable senators serving on the committee will need to recognize the sensitivity of their work, and we might not be surprised if the committee were to reflect upon appropriate times when its work ought to be done in camera.

Honourable senators, in addition, when we look at section 145(1) of the act, it does not impose any obligation upon the government to respond to the report of this committee. This committee would like the assurances of government that it will respond to the report completed by the committee. Reflect upon that. This committee will be doing serious work. A report is submitted but, as it stands, the government is not obligated to respond, unless the government must respond to a committee report pursuant to the general rule we now have in the Senate. Perhaps we can have assurance that that will indeed be the case.

I wish to come back to the third paragraph of the motion. It reads as follows:

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee.

It would be wise of us, so that the committee is not fettered, to add a provision to that paragraph that the committee may adjourn from place to place; in other words, that the committee could travel.

I thought that the motion would have embraced that in its wording, but as I read the motion carefully, it is clear that the committee does not have the authority to travel. We would be prudent to include that authority in this motion, so that the committee would have the faculty to do it if it deemed it necessary.

MOTION IN AMENDMENT

Honourable senators, I, therefore, move:

That the motion be amended in the third paragraph thereof by adding after the words, "papers and records," the words, "to adjourn from place to place within and outside Canada."

The Hon. the Speaker: Do any honourable senators wish to speak to the amendment?

Hon. Jack Austin (Leader of the Government): Honourable senators, we have no objection to accepting the amendment.

The Hon. the Speaker: I see no senator rising so I will ask the house, are you ready for the question on the amendment?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton that the motion be amended in the third paragraph thereof by adding after the words "papers and records" the words "to adjourn from place to place within and outside Canada."

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion in amendment agreed to.

The Hon. the Speaker: Are honourable senators ready for the question on the motion as amended?

Hon. Senators: Question!

[Senator Kinsella]

The Hon. the Speaker: It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Losier-Cool that a special committee of the Senate be — shall I dispense with reading the motion as amended?

Hon. Senators: Dispense.

Motion as amended adopted.

• (2200)

[Translation]

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-12, An Act concerning personal watercraft in navigable waters. — (*Honourable Senator Hervieux-Payette, P.C.*)

Hon. Céline Hervieux-Payette: Honourable senators, I would like to start by congratulating Senator Spivak on her efforts to protect the environment and ensure the safety of our navigable waters.

The objectives of this bill are noble ones, and these are important issues for Canadians.

Our primary role as senators, however, is to ensure that legislation addresses situations that need to be regulated, without disrupting our legal system. By this I mean that we need to take care not to legislate on something that is already covered by existing legislation. This is why we need to examine the situation as a whole before reaching the best decision possible.

I must make it clear that I cannot be in agreement with passage of Bill S-12. First, the safety of Canada's waterways is already governed by the Merchant Marine Act and its *Boating Restrictions Regulations*. If Parliament gets into the habit of enacting specific legislation in areas already well-regulated by more general legislation, we will end up clogging up our legal system with an undesirable number of overlapping laws. For that reason alone, I cannot agree to support this bill. Bill S-12 overlaps existing legislation.

What is more, there is cause for concern in the wording of this bill. It gives all the powers to entities that are not really well-defined and, in many instances, might not be elected by the public, thereby creating serious doubts about the democratic nature of any decisions taken. Clause 3 reads as follows:

The purpose of this Act is to provide a method for a local authority to propose to the Minister that restrictions be applied respecting the use of personal watercraft on all or a portion of a navigable waterway over which Parliament has jurisdiction, in order to ensure the waterway's safe use and peaceful enjoyment and the protection of the environment.

Cottagers' associations could probably qualify. Do we really want to allow waterfront property owners to have exclusive jurisdiction over the lake they are on? Canada's lakes and rivers belong to all Canadians. Everyone should be able to enjoy them and engage in their preferred nautical activities.

On the other hand, the users must respect the established rules. These rules are found in the *Boating Restriction Regulations*. These regulations establish speed limits, minimum age and navigational restrictions for any boats in Canadian waters. I emphasize this. It is already possible to limit access to a waterway. Let me read you section 6(3) of these regulations.

No person shall operate a power-driven vessel or a vessel driven by electrical propulsion in any of the waters described in Schedule II, except as indicated in that Schedule, unless authorized by the Minister pursuant to paragraph 8(1.1)(b).

You can see that this kind of restriction applies to all boats and not simply one kind of watercraft. In addition, the system for posting restrictions on such waterways is set out in the *Boating Restriction Regulations* and fines are set for offences against the regulations. Section 43 of the *Small Vessel Regulations* also specifies that:

No person shall operate a small vessel in a careless manner, without due care and attention or without reasonable consideration for other persons.

Thus, it is clear that any careless operator would be punished for breaking the law. Making a law to apply specifically to one kind of boat could create a precedent and thus lead to other laws of the same kind to apply to other watercraft that are also already governed by the law.

I want to be quite clear on the point I just raised. We are in the process of considering a bill that delegates the federal parliament's regulatory power over the use of our lakes to a few shoreline property owners. We, as parliamentarians, have a duty to exercise this power in the interest of all Canadians.

To illustrate what might happen as a result of this bill, I would like to quote a passage from a speech on this bill made on May 10, 2004 by the Honourable Jim Karygiannis, Parliamentary Secretary to the Minister of Transport.

It (the bill) proposes a regime whereby a small group of people could dictate that a ban be imposed on the use of personal watercraft without requiring that the rest of the population of the lake or river be allowed to exercise their democratic rights to be consulted.

[...] the power to make regulations would be given to the minister and not to cabinet; provincial and municipal governments would be bypassed; and administrative constraints and deadlines would be imposed on the minister which could in some cases mean that he or she could not comply with the Government of Canada's regulatory policy.

My first concern is a legal one but my second is political in nature. How, as federal parliamentarians, can we delegate a power that we have the obligation to exercise in the interest of all citizens to a group that has specific interests?

This bill is not just about protecting the environment and ensuring safety, but it is also about restricting the noise or disruption from a few tourists who also want to enjoy the water. If we re-read clause 3 of the bill carefully, the reasons are: "In order to ensure the waterway's safe use and peaceful enjoyment and the protection of the environment." One has to wonder how we can justify banning access only to personal watercraft in this case.

Parliament has already set out in sections 5, 562 and 562.1 of the Canada Shipping Act, the responsibility of the Governor-in-Council to make rules or regulations relating to the safety and environmental protection of navigable waters. Under Bill S-12, the only avenue remaining by which the minister can use his or her discretion — in clause 6 of the bill — is almost non-existent. Furthermore, why add the "peaceful enjoyment" as grounds in clause 3 of the bill? These grounds exist under Quebec civil law and are employed in the housing code. As a result, renters may sue their landlords if another renter disturbs them by making noise or by setting out garbage that gives off odours. So why add the "peaceful enjoyment" as grounds for prohibiting personal watercraft, and only personal watercraft?

This leads me to my third point. Given that we already benefit from legislation setting out environmental and safety standards that must be respected, is not a bill on personal watercraft only itself discretionary? Why make such a distinction when other types of craft, be they pontoon boats or outboard motors, are all regulated by the same regulations and legislation? When it comes to using our waterways and lakes, whether by kayak, canoe, pontoon boat, outboard motors or personal watercraft, users must all learn to navigate safely. The beauty of this sport is having such a choice and this difference ensures that a greater variety of people are boaters. To each his own... but as someone who was once the sports minister, I know that individual preference is not important, what is important is being able to practice the sport we love, while respecting legislation that must be general in scope.

However, as I said earlier, respect for environmental and safety standards is important.

• (2210)

Legislation regulating all craft, including personal watercraft, already exists. Our energies, honourable senators, should be invested in enforcing such legislation and regulations, and in an awareness campaign, instead of creating another parallel system. Bill S-12 is useless and serves no purpose. These provisions will duplicate provisions already in place. It is clearly discriminatory towards a typically Canadian recreational product, which has been subject to a great deal of research in order to make it safer and more compatible with all national and international standards in effect.

Furthermore, if we analyze the figures in the *Economic Impact Analysis of Recreational Boating in Canada*, prepared for *Discovering Boating*, a trade magazine, we learn that, overall, recreational boating generates \$7.1 billion, or 0.7 per cent of GDP, and 84,000 full-time equivalent jobs. Direct and indirect taxes paid by recreational boaters total \$500 million. Personal watercraft alone generated \$783 million, \$397 million of it in manufacturing, and 6,259 full-time equivalent jobs, of which 1,920 were in the manufacturing sector. The vast majority of personal watercraft made in Canada is sold on the world market and the accepted standards are those of the shipping industry in various countries, as in Canada.

For all these reasons, I cannot but oppose the adoption of Bill S-12.

[English]

Hon. Tommy Banks: Would the senator entertain a question?

Senator Hervieux-Payette: With pleasure, senator.

Senator Banks: I could not help notice that Senator Hervieux-Payette made reference to the choice to be made. I wonder why the craft in this bill are singled out in comparison to other watercraft in reference to a number of studies. It is certainly the case that the manufacturers of watercraft have done a great deal with respect to reducing bad stuff coming out of the pipes. That has been improved. There is also no doubt that the noise level has been reduced by the introduction of new engines.

However, there is one important distinction between this kind of watercraft and all other personal watercraft. Senator Hervieux-Payette mentioned kayaks. I do not recall anyone having operated a kayak and killed anyone. It would be hard to do that or to cause serious injury to someone. Is Senator Hervieux-Payette aware of the studies by the United States Coast Guard which make the comparisons between all other personal watercraft, on the one hand, and powered watercraft of the Sea-Doo kind, on the other hand, that are referred to in the present bill?

[Translation]

Senator Hervieux-Payette: One comment about kayaks: I was talking about the safe use of boats. I remind the honourable senators that, this summer in Quebec, some people in a sailboat were accidentally killed when they were hit by a boat on the St. Lawrence. I am not talking strictly about the fact that one individual can hurt another but that individuals must take care when using their chosen craft. As for statistics in the United States, I am sorry; I am not familiar with them. All I know is that, out of the over two million such boats made in Canada, only 40,000 are sold here. I am led to believe that the legislation in other countries allows this mode of transportation, since this product is currently being exported to a number of countries around the world.

On motion of Senator Hervieux-Payette, for Senator Ringuette, debate adjourned.

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO CONDEMN AND INITIATE MEASURES AGAINST THE GOVERNMENT OF BURMA FOR ITS UNDEMOCRATIC ACTIONS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Andreychuk:

That the Government of Canada vigorously condemn the Burmese military junta's extension of pro-democracy leader Aung San Suu Kyi's term of house arrest and call for it immediately to revoke this measure, to introduce democratic reforms and to abide by its human rights obligations, and further that the Government of Canada, as an international leader in the defense of human rights and democratic institutions, make it an urgent priority to take action in the form of: implementation of effective economic measures against the military regime; increased diplomatic sanctions, including the exclusion of active participation of the Burmese military junta from trade and investment promotion events in Canada; and increased assistance to Burmese refugees in border regions of adjacent countries as well as with those in need within Burma through accountable non-governmental organizations and UN agencies.—(Honourable Senator Rompkey, P.C.)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STATE OF POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the state of post-secondary education in Canada.—(Honourable Senator Kinsella)

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I yield to Senator Atkins.

Hon. Norman K. Atkins: Honourable senators, it gives me great pleasure today to join in the debate on the inquiry started by Senator Callbeck regarding the problems which beset our post-secondary educational system in Canada. This is a subject that I have been keenly interested in for many years and I thank

[Senator Hervieux-Payette]

her for bringing the matter to the attention of the Senate. I believe that the issue has been marginalized over the past decade. We need to broaden the debate because no one issue can be solved in isolation.

Dr. Kelvin Ogilvie, former President and Vice-Chancellor of Acadia University, best described education when he said that "education is ultimately the key to a successful society." We have heard on a number of occasions that Canada has shifted to a knowledge-based economy. The question we must ask ourselves is what does that mean to Canadians and how do we deal with it. A knowledge-based economy indicates that the majority of jobs in Canada, in fact most of the better paying ones, require or will require some post-secondary education.

• (2220)

According to estimates by the Association of Universities and Colleges of Canada, almost two thirds of all jobs will be filled by people who have more education than the generation before them. The federal Department of Human Resources estimates that 73 per cent of new jobs in this knowledge-based economy will require post-secondary education.

Canadians realize and have learned to accept that the days of gaining employment and then seeking on-the-job training to achieve their goals are limited. Canadians know more than ever that education is the key to prosperity and success. This is evidenced by the increase in enrolment throughout the last 20 years. However, despite increased enrolment, reports still indicate that not enough Canadian adults are enrolled in post-secondary education to reflect the needs of knowledge-based societies. We must understand that there are some fundamental reasons for Canadians not enrolling in post-secondary education, despite the trend in our economy.

It is my belief that investment in post-secondary education is key to Canada's social and economic well-being now and in the future. We need an educated and innovative society, to be competitive within a global economy. We need federal leadership, working with the provinces, with vision to ensure that we have graduates who can live up to that standard.

One part of the answer is to ensure that all Canadians have equal opportunity to pursue and access post-secondary education. That is not presently the case. The rising cost of tuition, combined with other needed expenditures, is one thing that inhibits equal access to post-secondary education.

Recent statistics released by Statistics Canada and Queen's University indicate that tuition increases since 1993 are over 137 per cent. The average student debt is now well in excess of \$22,000. Post-secondary education is simply not accessible to many Canadians because of the cost, and with debt levels rapidly increasing the situation is not improving. The debt load for some students is producing a generation that will be so debt-ridden that it will take them yet another decade to begin to contribute to the economy of this country in a meaningful way.

I would once again like to offer some measures designed to help alleviate post-secondary debt and to offer incentives for students who are unable or unwilling to undertake the debt load needed to successfully complete post-secondary education at a college or university.

While the government has stated that it wants to increase the number of graduate students in Canada in the next decade, it nonetheless continues to tax scholarships and grants. In my view, this punishes excellence. This is exemplified for those studying at the masters and doctorate levels. At the present time, students have to pay taxes on scholarships and earnings totalling more than \$3,000. We need to stop punishing performance of students and remove federal taxes on scholarships.

In the 2004 budget, the government announced changes to the Canada Student Loans Program, changes that allowed students more funds on a daily basis. However, there needs to be further changes to this program. The government needs to increase the income threshold for parental contributions that ascertains loan eligibility. There should be an exclusive clause in the application to ensure that these guidelines do not exclude a student without parental support from attending post-secondary institutions.

The government should introduce a system that would allow tax-free withdrawals from RRSPs without penalty to pay for post-secondary education.

The government initiatives in the 2004 Budget for debt reduction payments, while helpful, should be more in depth. The government should shorten the time for students to gain access to the Debt Reduction in Repayment program, which lowers eligibility for debt forgiveness to three years from graduation from five. This would combine with the allowable tax deduction for interest on their loan.

Interest relief is simply not enough if a graduate does not have the income to make the payments. The practice of exempting a graduate from the debt reduction program because they have defaulted on their loan at any time simply exacerbates the problem.

The government should also offer further debt relief to post-graduate and Ph.D. students. There are students who decide not to start the program or do not finish because of the debt load issue. Offering a standard debt elimination program upon completion of a post-graduate or a Ph.D. program would fulfill two needs within Canada: First, it would help alleviate the upcoming retirement issues within university faculties across the country. At the present time, it is becoming more difficult to recruit the best in the field because of the law of supply and demand. Second, it would help private industry deal with the upcoming retirements of the baby boomers.

One other initiative that the government should consider is a tax credit based on the Canada Student Loan principal amount, to a maximum of 10 per cent per year of the principal for 10 years after graduation, provided the individual remains in Canada. This would increase the incentive to remain in Canada to take advantage of tax implications and would help to reduce the impact of the brain drain.

One further issue that graduate students with major debt loads must face if they are unable to pay for their loan is the bankruptcy legislation introduced by the Liberal government. Bankrupt students are not able to be cleared by bankruptcy proceedings until 10 years after they graduate. This is made more difficult by the fact that, if they are unable to make payments on their loans, they must then deal with collection agencies, which are particularly brutal in dealing with students. This legislation should be adjusted to allow for a more flexible loan repayment program based on income, with a two-year minimum before repayment must begin. Students clearly would not choose to damage their credit ratings if alternatives were available.

Honourable senators, in the past I have brought to your attention a highly successful program enacted by the government called the Veterans Rehabilitation Act (1945), under which funds were provided for veterans wishing to attend universities under the university training program. Those veterans who indicated a desire to attend university had their tuition paid directly to the university by the Department of Veterans Affairs and were given a living allowance on a monthly basis. This continued as long as the candidate made satisfactory progress. That program represented an investment by the government in the future of the country. As a result of its success, Canada had a well-educated, tax-paying population contributing positively to society just a few years after the end of the Second World War. Veterans graduated with an education or trade, virtually debt-free.

Through the years from 1945 to 1950, when the post-war program was in effect, the total amount disbursed for both university and vocational training, including fees and living allowances, was more than \$1.5 billion in total. Senators can imagine how much that would be worth today. For the five-year duration of the program, approximately 75,000 veterans benefited. Canada had a population of fewer than 13 million then as opposed to now when it has more than 30 million. As a result of this program, Canada had an energetic and well-educated workforce that helped make Canada one of the leading nations of the world in the 1950s and early 1960s.

• (2230)

Similar investment in the future of Canada is possible now. We are in an era of budgetary surpluses, and we must make post-secondary education accessible to all who are academically qualified. This would be an opportunity to allow for not only graduate studies but also for post-graduate studies. One solution would be to consolidate the present programs, which worked to various degrees, into one program that works well. This could be achieved by melding an approved Canada loans program with the Millennium Scholarship Fund to provide a broader program based on the model that I outlined for senators and that was available for our veterans.

At the same time, we need to establish more programs to encourage parents to save for the future education of their children. Programs such as the Registered Education Savings Plan and the Canada Learning Bond are helpful, and we must provide further incentives. Over the last 10 years, the government has produced a balanced budget by reducing transfers to the provinces that included those intended for post-secondary education — CHST. However, the provinces invested most of

that money in health care, and they had the option to do so. I believe we need a national commitment to education in conjunction with the provinces. This government must adopt a sustainable and dedicated transfer system to the provinces and to the territories that specifically funds post-secondary education, not unlike that adopted for the health care system.

This argument was also put forward by the Association of Universities and Colleges of Canada in a letter to the Prime Minister prior to the Speech from the Throne. In that letter they stated:

The design of this transfer arrangement will require federal-provincial and territorial agreement on a set of principles and purposes that ensure that the funds are invested in post-secondary education in a transparent fashion while respecting the province's need for flexibility in setting their own post-secondary education priorities.

One of the issues produced by a lack of funding to post-secondary institutions is the situation whereby they have been forced to defer necessary building maintenance. As a result, many of Canada's facilities urgently require restoration and maintenance. According to statistics released by Queen's University, the share of tuition fees as a proportion of operating revenues for universities has doubled in the past decade from 22 per cent to 44 per cent. Canadian post-secondary institutions must not only be accessible but also have the capacity and physical infrastructure to sustain the large enrolments.

The Hon. the Speaker: I am sorry to interrupt Senator Atkins, but your 15 minutes have expired. Is leave granted so that Senator Atkins may continue, Senator Rompkey?

Senator Rompkey: We would agree to another five minutes, Your Honour.

Senator Atkins: Thank you, senators.

It is clear that these institutions will require additional resources to accommodate the growing needs of Canadians who recognize the necessity for higher education.

The government needs to commit a substantial sum over and above the transfer payments over a number of years to rectify the problem of decaying infrastructure and build in funding so that the situation does not repeat itself. The federal government could commit a percentage of each surplus dollar to alleviate the situation for post-secondary institutions.

Research in Canada clearly plays an important role in our country's economic growth. Universities conduct more than \$1 billion of research each year. The advancement of university-based research initiatives is of considerable importance to the future of this country and its citizens. The federal government has stated that it is committed to ensuring that Canada's performance in research and development rises to within the top five in the world. The government indicated that it intends to double the funding for the three federal granting agencies until 2010.

However, as Senator Moore recently indicated in his reply to the Speech from the Throne and in his previous statements regarding post-secondary education, there has been little change over the past number of years with regard to advancing research by increasing funding. However, other countries competing in research and development have increased their budgets and are threatening to further widen the gap of Canada's international competitiveness.

This is particularly problematic for smaller universities. The small institutions have been on the losing end of an inadequate distribution of funds, and it continues to harm their ability to compete with larger, more centrally located universities.

The program for Canada Social Transfer payments to the provinces is awarded on a per capita basis and not on a per student basis, which hurts smaller institutions. The model upon which our institutions and researchers receive funds is flawed and discriminatory. The funding formula used to determine where research dollars go is detrimental to smaller universities. The use of "smaller" in the context of funding procedures does not always refer to the size of the student body, but in the case of Canada research chairs programs, it refers to the number of grants received in the history of its institution. We need a new allocation process that maximizes the opportunity for the growth of innovative university-based research across Canada, and that is not based on past performance.

The problem is furthered by the application of rules by the Canadian Foundation for Innovation, which is an arm's length government organization that promotes excellence in research. This foundation mandates that 60 per cent of a project's funding must be provided by the university, theoretically, in conjunction with the private sector and the province before it contributes the other 40 per cent. There is no way to access the foundation outside of this formula.

This then means that the majority of the funds needed to match the contribution have to come from either the provincial government or the institution itself. Many of the small institutions simply cannot afford the money needed. In provinces or regions where private sector or industrial partners are hard to find, obtaining a 60 per cent match in funding is extremely difficult.

The lack of research funding, in particular for small universities, poses a serious threat, and I would urge the government to take action and address these problems. This would allow our universities to continue to attract the best researchers in Canada, to attract some of our Canadian researchers who are presently working outside of Canada, and to attract international researchers from abroad.

In the last Speech from the Throne, the government highlighted federal investment into research and its continued commitment to it. In this respect, the government must ensure continued growth in the direct costs of university research, largely through the budgets of the three granting councils. As well, it must work towards the target of funding more of the indirect costs of research as well.

Honourable senators, I believe that, if the government were to implement the proposals I have outlined, we would be closer to solving the accessibility problem — the issue of the capability of post-secondary institutions to sustain the present and increasing enrolment, along with the problem of punitive student debt.

• (2240)

The Hon. the Speaker: Senator Atkins, I regret to advise that your five minutes has expired.

Senator Atkins: I have two and a half pages left.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Atkins: The educational institutions would benefit and, as well, they would receive the grant money necessary for research and development. This would also allow Canadian universities to have a greater opportunity to raise Canada's profile internationally as a research player.

It is imperative to Canada's future that post-secondary education be accessible and of the highest quality. There are three initiatives that this government could implement in the next budget that would impact students across the country immediately: The first is to eliminate the GST on all school-related textbooks. This would be applicable to those who have credentials to prove their eligibility. That gesture would indicate to Canadians that this government is indeed examining the issues and making a genuine effort to solve some of the problems. The second is the elimination of all tax on scholarships and bursaries; and, third, make immediate allowance for educational-based withdrawals from Registered Retirement Savings Plans.

I believe that the job of this government is to demonstrate their commitment and vision for post-secondary education. They must clearly outline what they are trying to accomplish. In conjunction with our provinces and institutions, they must devise new initiatives and ways to tackle the issues. What better time to do this than when the government is in a surplus position.

On motion of Senator Kinsella, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery, pursuant to notice of December 8, 2004, moved:

That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. on Wednesday, December 15, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Do you wish to speak, Senator Stollery?

Senator Stollery: To tell you the honest truth, honourable senators, I thought I had moved this motion last week because we were discussing the question of committees sitting.

The Minister of Trade, Mr. Peterson, is coming before the committee on Wednesday, and passage of this motion will allow the committee to convene at its normal sitting time.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Monday, December 13, 2004

	PAGE		PAGE
SENATORS' STATEMENTS			
Speech of Keemaya		Libya—Visit by Prime Minister—Members of Delegation.	
Hon. Joyce Fairbairn	484	Hon. Marcel Prud'homme	487
Speech of Late Bob Boyer		Hon. Jack Austin	488
Hon. A. Raynell Andreychuk	484	China—Visit by Prime Minister—Human Rights Issues.	
Speech of Honourable Herbert O. Sparrow		Hon. Mira Spivak	488
Speeches.		Hon. Jack Austin	488
Hon. Peter A. Stollery	484	China and Libya—Visit by Prime Minister—	
Hon. Jeremiah S. Grafstein	484	Members of Delegation.	
Speech of Honourable Joseph Howe		Hon. Terry Stratton	488
Speech on Occasion of Two Hundredth Anniversary of Birth.		Hon. Jack Austin	488
Hon. Wilfred P. Moore	485		
ROUTINE PROCEEDINGS			
Appropriation Bill No. 2, 2004-05 (Bill C-34)		National Defence	
1st Reading	485	Location of New Headquarters.	
Appropriation Bill No. 3, 2004-05 (Bill C-35)		Hon. J. Michael Forrestall	488
1st Reading	485	Hon. Jack Austin	488
Bill to Change Boundaries of Acadie—Bathurst and		Hon. Lowell Murray	489
Miramichi Electoral Districts (Bill C-36)		Hon. Marcel Prud'homme	489
1st Reading	486	Natural Resources	
Bill Nations Fiscal and Statistical Management Bill (Bill C-20)		Nova Scotia and Newfoundland and Labrador—	
1st Reading	486	Negotiations on Offshore Oil.	
Bill Film Canada Act (Bill C-18)		Hon. Donald H. Oliver	489
Bill to Amend—First Reading	486	Hon. Jack Austin	489
National Security and Defence		Public Works and Government Services	
Notice of Motion to Authorize Committee to Meet During		Millennium Bureau—Alleged Irregularities.	
Adjournment of the Senate.		Hon. Gerry St. Germain	489
Hon. Colin Kenny	486	Hon. Jack Austin	489
Foreign Affairs		Delayed Answers to Oral Questions	
Committee Authorized to Meet During Sitting of the Senate.		Hon. Bill Rompkey	490
Hon. Peter A. Stollery	486	Industry	
Hon. Terry Stratton	486	Technology Partnership Program—Repayment of Loans.	
Human Rights		Question by Senator Oliver.	
Notice of Motion to Authorize Committee to Meet During		Hon. Bill Rompkey (Delayed Answers)	490
Adjournment of the Senate.		Agriculture and Agri-food	
Hon. A. Raynell Andreychuk	486	Aid to Farmers—Comments by Minister.	
Israeli-Palestinian Question		Question by Senator Gustafson.	
Notice of Inquiry.		Hon. Bill Rompkey (Delayed Answers)	491
Hon. Marcel Prud'homme	487	Canadian Broadcasting Corporation	
QUESTION PERIOD			
Foreign Affairs		Ukraine—Radio Canada International Cutbacks.	
China and Libya—Visit by Prime Minister—		Question by Senator Andreychuk.	
Human Rights Issues—Members of Delegation.		Hon. Bill Rompkey (Delayed Answers)	491
Hon. A. Raynell Andreychuk	487	Justice	
Hon. Jack Austin	487	Victims of Crime Initiative—Involvement in Parole Hearings.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answers)	492
		Health	
		Spread of HIV/AIDS—Availability of Increased Funds.	
		Question by Senator Oliver.	
		Hon. Bill Rompkey (Delayed Answers)	493
		Public Works and Government Services	
		Sponsorship Program—Expenditures on Public Opinion Polls.	
		Question by Senator Di Nino.	
		Hon. Bill Rompkey (Delayed Answers)	493
		Sponsorship Program—Availability of Polling Results	
		on "Listening to Canadians" Series.	
		Question by Senator Oliver.	
		Hon. Bill Rompkey (Delayed Answers)	493
		Citizenship and Immigration	
		Minister's Election Campaign—Request to Step Down.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answers)	493

	PAGE
Citizenship and Immigration	
Extension of Visa of Bondarenko Family.	494
Hon. Wilfred P. Moore.	494
The Hon. the Speaker.	494
Question of Privilege	
Hon. Marcel Prud'homme.	494
The Hon. the Speaker.	494

ORDERS OF THE DAY

Federal Law-Civil Law Harmonization Bill, No. 2 (Bill S-10)	
Message from Commons.	494
Canada Education Savings Bill (Bill C-5)	
Third Reading.	494
Hon. Wilfred P. Moore.	495
Hon. John Lynch-Staunton.	495
Hon. Ethel Cochrane.	495
The Tlicho Land Claims and Self-Government Bill (Bill C-14)	
Second Reading.	497
Hon. Gerry St. Germain.	498
Hon. Jeremiah S. Grafstein.	498

Hon. Tommy Banks.	499
Hon. Serge Joyal.	500
Referred to Committee.	500
The Senate	
Motion to Strike Special Committee on Anti-Terrorism Adopted.	500
Hon. Bill Rompkey.	501
Hon. Noël A. Kinsella.	501
Motion in Amendment.	502
Hon. Jack Austin.	502
Personal Watercraft Bill (Bill S-12)	
Second Reading—Debate Continued.	502
Hon. Céline Hervieux-Payette.	504
Hon. Tommy Banks.	504
The Senate	
Motion to Urge Government to Condemn and Initiate Measures Against the Government of Burma for Its Undemocratic Actions Adopted.	504
State of Post-Secondary Education	
Inquiry—Debate Continued.	504
Hon. Noël A. Kinsella.	504
Hon. Norman K. Atkins.	504
Foreign Affairs	
Committee Authorized to Meet During Sitting of the Senate.	507
Hon. Peter A. Stollery.	507



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 27

OFFICIAL REPORT
(HANSARD)

Tuesday, December 14, 2004

THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, December 14, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE PHILIPPE DEANE GIGANTÈS

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Government, who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Philippe Gigantès, our former colleague, whose death occurred on December 9, 2004.

I would remind honourable senators that, pursuant to our rules, each senator will be allowed three minutes and may speak only once, for a maximum time of tributes of 15 minutes.

Hon. Sharon Carstairs: *Sailor, Spy, Senator, Scribe.* This is the title of Philippe Gigantès' final book, yet unpublished, which I had the privilege to read several months ago, having obtained it on a disc given to me on my last visit with him.

I had my last visit with Philippe in September at Ste. Anne's Hospital where he had lived for the last few years. Shortly after this visit, he went in and out of coma, but remained comfortable, surrounded by his immediate family.

The book outlines his highly diverse background. He was indeed a sailor, both in Greece and with the British navy. He was a spy, working for MI5. He was, as we all know, a senator; and as numerous books, articles and reviews attest, he was certainly a scribe.

Philippe was also a very special person. I know that because, during our shared years in the Senate and for the last five years, we have been good friends, sharing phone calls and visits. Philippe had a great love of his children and his grandchildren, and to visit him was to see their most recent photographs, and for the grandchildren, their most recent works of art.

To know Philippe was to understand a man who was extremely well read in the politics of the world. He had strong opinions on the way the world was governed, all based in a Periclean view of democracy.

Proud of his Greek heritage, he was a strong Canadian nationalist. Honoured by both countries, as well as the United Kingdom, he was reluctant to tell others of his accomplishments. I learned by accident on a visit to Ste. Anne's that he was awarded more medals than any other veteran in the hospital.

Philippe had been captured by the North Koreans during the Korean War. Although he was in Korea as a war correspondent, his captors knew of his previous career as a spy and he was tortured as a spy. At one point during his recent illness, the medications he was on caused him to relive all of those torture experiences in ways that some Holocaust victims also go through these horrific experiences.

Fortunately, because of my work in palliative care, I was able to get care for Philippe at the Jewish General Hospital in Montreal, where Dr. Bernard Lapointe, who had experience with Holocaust victims, was able to relieve his mental and physical pain.

Philippe was deeply grateful to Dr. Lapointe and his staff and full of praise for those who looked after him at Ste. Anne's — and he would want them to know the enormous regard he had for them.

His love of children and young people extended to many outside his immediate family. He took special interest in the Senate pages, and many of them have kept in touch with him. In his hospital room were photos of the children of nurses and other employees. Indeed, the 2003 Christmas card of our clerk, a photograph of his two daughters, was on display. This was the essence of Philippe. Children were the future and he wanted only the best for them.

To his family, his wife Susan, his three daughters and his three grandchildren, and to his good friends Jacques Hébert and Michel Rochon, and to Miss Sharp, one of his very favourite pages — her name is Elizabeth, but she was always Miss Sharp to Philippe — I offer my sincere condolences.

[Translation]

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would like to pay tribute today to one of our former colleagues, Philippe Gigantès, who died last week. Even before coming to Canada in 1965, Senator Gigantès had had a wholly remarkable life.

[English]

Greek by birth, he served as a British naval intelligence agent during the Second World War, and later, as a journalist covering the Korean War, he was wounded and held in a North Korean prison camp for almost three years. He also worked at the United Nations, and returned to Greece in the 1960s to serve as secretary-general to King Constantine and as the country's minister of culture.

At the beginning of his life here in Canada, Senator Gigantès was a journalist with *The Globe and Mail*, but in time he would undertake a wide range of other pursuits. He held positions at several universities across the country, and was the author of 14 books on a variety of topics.

In the 1970s, he came to Ottawa to take the position of senior executive officer with the Official Languages Commission. He worked as a speech writer and advisor to former Prime Minister Pierre Elliott Trudeau, who appointed him to the Senate in 1984. He served 14 years in this chamber and was the first Canadian senator of Greek origin.

Senator Gigantès also is in the record books in another way, having the distinction of delivering the longest speech ever in a Canadian legislature, during the GST debate back in 1990. We shared very different views on that particular topic, but the passion and fortitude needed to undertake a speech of just under 18 hours in total is certainly to be respected. It is no wonder we have a set of rules today.

Philippe Gigantès led a long and varied life, and his contributions to the Senate and to Canada as a whole will not be soon forgotten. On behalf of all senators on this side of the chamber, I offer my condolences to his family.

• (1410)

Hon. Jeremiah S. Grafstein: Honourable senators, our dear friend Philippe Gigantès has left us. What can we say about this true Renaissance man, who represented the best of the old and the new world? Perhaps the best tribute would be to repeat what Philippe proclaimed about himself.

He said that he was a great lover. He loved literature and art, he loved poetry, he loved journalism, and he loved politics. He was once asked what was his religion. He answered that it was journalism and politics. He loved writing, and he was an excellent writer. He loved youth, he loved the Senate, he loved to speak, and you will recall the great GST debate when he made one of the longest, if not the longest, speech in this chamber. He loved to listen to the speakers, and he loved good food and clothes. He loved to travel, he loved languages and he was adept at many languages. He loved good friends and stimulating conversation. He loved Mr. Trudeau. He loved the Liberal Party. He loved Israel because he loved all democracies. He loved courage and he was a courageous soldier. He loved his roots in Greece but, above all, he loved Canada more. Yes, Philippe Gigantès was a lover of Canada.

We will never forget his loves and his hates. We will remember his hates as well as his loves, for he was a very, very passionate man. Our hearts go out to his wife and family who loved and cared for him. To them our deepest condolences.

Above all, we will miss the pleasure of his usual spirited company. I say to him in Greek, Philippe, we love you.

Hon. Joyce Fairbairn: In terms of living, I doubt that any of our colleagues present or past could claim to have as rollicking, dangerous, patriotic, adventurous, controversial and just plain joyous a life as that of our former colleague, Philippe Gigantès, who died last week from a prolonged and vigorous battle with cancer.

I was one of Philippe's fans long before I ever met him. As a young journalist I admired him from afar, not for his writing, because we did not get *The London Observer*, *The Globe and Mail*

or *La Presse* back in Lethbridge, Alberta. Instead I came to know him from radio and television, as "Philip Dean" — or just plain Phil — broadcasting from Washington and points around the world with great knowledge, experience, and a kind of overpowering manner touched with humour and sharp edges that prompted admiration or outrage, depending on your point of view. However, you always got the news.

You have heard from others about his war history in the British navy, as a spy, or as a prisoner of war in Korea, on which he wrote an absolutely breathless account of that very sad period in his life. You have heard of him as a teacher — at one point joyfully stirring things up at the University of Lethbridge as Dean of Arts and Science and professor of classics — an appropriate calling given his Greek heritage and the proud history of his family.

We worked as colleagues in the office of Prime Minister Pierre Elliott Trudeau, but our most lasting years of collaboration were here in this Senate, warriors of the GST filibuster, co-workers on literacy and educating young people, and training in all its dimensions.

He loved this place, and the very honour of being a senator. He was fiercely loyal to the Liberal Party of Canada. However, his greatest joy of all in life was to be a citizen of this country where he fought with passion for a Canada that always includes a strong Quebec.

I am proud to remember him as a dear friend, and I send my very best wishes and condolences to the family he loved. Courageous to the end, he has left them with great and joyous memories.

Hon. Peter A. Stollery: Honourable senators, I just want to add my few words to those who are made sorry by the passing of Philippe. He was an old friend of mine. I knew him for an awfully long time, and I am very sorry that he has passed away. As we all know, he was a great character. I just would like to say, to his family, that he is fondly remembered by those of us who knew him for many years. I remember him as not only a senator, but as a candidate for the Liberals when he ran in the early 1980s. At any rate, I would not want this moment to pass without saying a word in honour of Philippe.

[Translation]

THE RIGHT TO A HEALTHY ENVIRONMENT

Hon. Lise Bacon: Honourable senators, in all societies around the world, concern for the protection of the environment has been increasing for many years.

Despite Canada's efforts, especially through adoption of the Canadian Environmental Protection Act in 1998, or ratification of the Kyoto Protocol on reduction of greenhouse gases, we still have room for improvement. We can always do better in terms of protecting the environment. There is still one notion that is not reflected in our environmental legislation; that is the right to a healthy environment.

This is not a new concept. In 1972, when the Stockholm Declaration was adopted, the first principle recognized that protection of the environment can be linked to human rights. It states that:

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.

The choice of terms in the declaration is not accidental.

Many of us will remember very vividly the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. The first principle of the Rio Declaration, adopted at the end of the conference, states that "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." While the right to a healthy environment is not specifically included, it is nevertheless clearly promoted.

The Stockholm and Rio Declarations do not of themselves create legal restrictions, but they have indeed paved the way for the formal recognition of the right to a healthy environment in several Constitutional documents and in numerous environmental laws.

Countries such as South Africa, Ecuador, Portugal and Belgium have enshrined this right in their Constitutions, while Mexico and Indonesia have recognized this right through legislation.

Even though the notion of the right to a healthy environment is still not well defined, it is increasingly accepted that there is a link between this right and the other human rights.

In that respect, the recent tabling of a draft bill in the Quebec National Assembly, which recognizes this right, under the heading of economic and social rights in the Quebec Charter of Rights and Liberties of the Person, is significant. We should keep in mind that the Charter is a quasi-Constitutional act and that it has considerable symbolic weight. Thus, it represents a very important and progressive step toward recognition of the right to a healthy environment in Canada.

I salute and encourage this initiative by the Government of Quebec and hope that it will serve as an inspiration to the rest of the country.

[English]

THE YEAR OF THE VETERAN

Hon. Michael A. Meighen: Honourable senators, as we all know, the Government of Canada has declared 2005 as the Year of the Veteran. Throughout the year, high-profile ceremonies and special events taking place across Canada and overseas will recognize the sixtieth anniversary of the end of the Second World War, and pay tribute to all of our veterans.

While a comprehensive list of events will be announced when the Year of the Veteran is officially launched this afternoon, some of the highlights include recognizing Second World War veterans on Victory in Europe Day, V-E Day, in May and again in August to mark Victory in the Pacific Day, V-J day; the opening of the new Canadian War Museum in May with veterans as the first guests of honour; the unveiling of the Seventh Book of Remembrance on Parliament Hill to commemorate Canadian Forces members killed in service since the Korean War;

continuing the restoration work at the Canadian National Vimy Memorial in France; community initiatives that will pass the torch of remembrance to young Canadians; and finally, helping veterans themselves share their stories with our youth.

• (1420)

[Translation]

Nearly 1.75 million Canadians fought in the first and second world wars and the Korean War. Over 116,000 of them sacrificed their lives. Since the Korean War, over 125,000 Canadians have served in foreign countries to ensure peace, and more than 1,000 of them have lost their lives.

[English]

The Department of Veterans Affairs, veterans and veterans organizations are already involved in the planning of the Year of the Veteran. Please watch the Veterans Affairs website at www.vac-acc.gc.ca for information on upcoming events in your area.

In the meantime, I would like to invite all senators and their staff to join the Minister of Veterans Affairs and veterans in room 200 West Block from 3 p.m. to 5 p.m. today for the official launch of the Year of the Veteran.

WOMEN, PEACE AND SECURITY

SECOND ANNUAL SYMPOSIUM

Hon. Mobina S. B. Jaffer: Honourable senators, Canada is recognized internationally for the support of United Nations Security Council Resolution 1325. We have earned this reputation from the hard work of those who spend their lives committed to the women, peace and security agenda.

I was honoured to be in the presence of these people last week. On December 8, women and men from across Canada met for the second annual symposium of the Canadian Committee on Women, Peace and Security. We came together as activists, academics, parliamentarians and representatives of government and civil society. Our goal was the same: to bring women's voices to the peace table. We examined lessons learned from other countries, but we also took the opportunity to discuss Canada's responsibility to implement United Nations Security Council Resolution 1325.

Among other commitments, the resolution calls for the inclusion of women in peace processes and gender training for our peacekeepers. While it is important to support those outside our borders, it is also crucial to look inside Canada to ensure that we are setting our own high standards.

Common sense dictates that women should be central to peacemaking, but the people who typically negotiate peace settlements are overwhelmingly men. Male negotiators sometimes worry that having women participate in the discussion might change the tone of the meeting. They are right. Women often come to the peace table with more at stake than men. They come as widows, mothers and victims of rape, but they

are still carrying the hope for the future and the will to survive. This allows women to remain focused on the goal and to remember that the largest victims of this war are people, not politics and geography.

This is the reason, among many others, that Security Council Resolution 1325 was created and passed. Canada was at the Security Council at that time and has since been a flagship in the implementation of the resolution. It is through the work of the Canadian Committee on Women, Peace and Security that this is most apparent.

Honourable senators, I would like to thank all those who participated in this event last Wednesday and express my gratitude to Senator Andreychuk and the Canada-Africa Parliamentary Association and the Gender and Peacebuilding Working Group for their support.

[Translation]

THE HONOURABLE HERBERT O. SPARROW

TRIBUTES

Hon. Pierre De Bané: Honourable senators, I want to pay tribute to Senator Herbert Sparrow, who will retire on his 75th birthday, which is on January 4, 2005.

As you all know, Senator Sparrow, the most senior member of the Senate, has been sitting as the senator for Saskatchewan for nearly 37 years. In fact, he is the last senator to have been appointed by Prime Minister Lester B. Pearson.

[English]

Many things have changed since Senator Sparrow was named to the Senate on February 9, 1968 and the changes have often been for the better. Some of those positive changes are the direct result of the work Senator Sparrow has carried out here.

Senator Sparrow is a true credit to this institution. Throughout his long career he has displayed courage, perseverance and independence of thought. He served on numerous committees, including the Agriculture and Forestry Committee, the Fisheries Committee, the Finance Committee, the Foreign Affairs Committee and special committees on poverty and the mass media. To each of these he brought his dedication and his common sense.

[Translation]

In what was surely his greatest success, he chaired the committee that published the 1984 report entitled *Soil at Risk*. More than anything else, this report led farmers to adopt practices to promote soil conservation. This report was a major influence and was distributed in Canada and abroad.

[English]

Senator Sparrow was also involved in producing major reports on the long-term stabilization of the Canadian beef industry and herbicide pricing. While participating in a study on poverty, he spent a week with skid row bums in Vancouver so that he could better understand what poverty was all about. It was that kind of dedication that made Senator Sparrow a model senator.

[Senator Jaffer]

His efforts have been recognized at home and abroad. Among his numerous awards, he is the recipient of the United Nations Environmental Leadership Medal Certificate of Distinction for his work in the area of soil conservation. McGill University bestowed on him an honorary doctorate of science. He was also the recipient of the prestigious H.R. MacMillan Laureate in Agriculture, which is presented only once every five years to the individual who has made the most significant contribution to agriculture in Canada during that period. It is one of the most important awards in Canadian agriculture.

[Translation]

In addition to a long career in public office, Senator Sparrow has also a great deal of experience in the private sector, most notably as a businessman, farmer and rancher in his province of birth. Before being appointed to the Senate, he was the alderman for the city of North Battleford from 1957-65.

[English]

The Hon. the Speaker: Senator De Bané, we have a long list of speakers. I regret to inform you that your three minutes are up.

[Later]

Hon. Francis William Mahovlich: Honourable senators, Senator Sparrow was appointed to the Senate the year after the Toronto Maple Leafs won their last Stanley Cup. He accomplished some great work here in the Senate, particularly his work in agriculture. Some of his awards include honorary life membership in the Agricultural Institute of Canada; the University of Guelph H.R. MacMillan Laureate Award in Agriculture; and in 2001, induction into the Saskatchewan Agricultural Hall of Fame — all for writing about dirt.

All great cowboys have a certain strut, and Senator Sparrow is no exception. Although his strut is not like John Wayne's, Senator Sparrow's is recognizable from a distance when he walks the halls of the Centre Block. He reminds me of Gary Cooper, in *High Noon*, walking down the main street to a gun fight. Senator Sparrow has one shoulder that is six inches shorter than the other; he was probably hit in a bar fight, but still won the fight.

My heroes have always been cowboys. The Senate will miss Senator Sparrow. I wish him happy trails as he struts into the sunset.

CITIZENSHIP AND IMMIGRATION

EXTENSION OF VISA OF BONDARENKO FAMILY

Hon. Wilfred P. Moore: Honourable senators, last week I questioned the Leader of the Government in the Senate with regard to seeking an extension of time for the Bondarenko family of Russia to remain in Nova Scotia before venturing outside of Canada to make their immigration applications. By way of information to the Senate, I am pleased to report that this past Sunday morning, December 12, just as the Bondarenko family was about to again set sail from Halifax into the North Atlantic bound for Bermuda, they were contacted by the Canada Border Services Agency and advised that the exclusion order pertaining to them had been extended from December 14 to June 30, 2005.

The Bondarenko family intends to sail to Lunenburg this week where a berth has been provided for the sailboat by Lunenburg Industrial Foundry & Engineering Ltd. I understand that the family has also been offered an onshore residence in which to live. I know that the good people of Lunenburg will rally to the aid of Mr. and Ms. Bondarenko and their two young boys.

I wish to record my thanks to Deputy Prime Minister Anne McLellan, Minister responsible for the Canada Border Services Agency, for this most compassionate and timely decision; to colleagues on both sides of this chamber for their interest, and the encouragement they gave to me; and to the many Nova Scotians who expressed their concern for the welfare of the Bondarenko family and who supported me in my work herein.

This is a wonderful Christmastime story, honourable senators, with a safe and happy ending. This is the fulfilment of one of the most precious roles of the Senate — representing the rights of minorities.

• (1430)

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, December 14, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SECOND REPORT

Your Committee recommends that the following funds be released for fiscal year 2004-05.

Aboriginal Peoples (Legislation)

Professional and Other Services	\$ 10,300
Transportation and Communications	\$ 7,870
Other Expenditures	\$ 1,500
Total	\$ 19,670

Banking, Trade and Commerce (Legislation)

Professional and Other Services	\$ 6,800
Transportation and Communications	\$ 0
Other Expenditures	\$ 7,500
Total	\$ 14,300

Energy, the Environment and Natural Resources (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 4,000

Legal and Constitutional Affairs (Legislation)

Professional and Other Services	\$ 21,500
Transportation and Communications	\$ 25,320
Other Expenditures	\$ 1,000
Total	\$ 47,820

(includes funds for conference attendance)

National Finance (Legislation)

Professional and Other Services	\$ 16,900
Transportation and Communications	\$ 5,000
Other Expenditures	\$ 500
Total	\$ 22,400

Official Languages (Legislation)

Professional and Other Services	\$ 7,000
Transportation and Communications	\$ 10,500
Other Expenditures	\$ 500
Total	\$ 18,000

Social Affairs, Science and Technology (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 4,000

Transport and Communications (Legislation)

Professional and Other Services	\$ 5,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 6,000

GEORGE FUREY

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL— REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO MANDATE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on November 4, 2004. On November 17, 2004, the Senate approved the release of \$11,200 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 316.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

BUDGET—REPORT OF COMMITTEE ON STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Eymard G. Corbin, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Official Languages has the honour to table its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to study and to report from time to time on the application of the Official Languages Act respectfully requests that it be empowered to engage the services of such technical, clerical and other personnel as may be necessary.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

EYMARDE G. CORBIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 317.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

[Senator Banks]

On motion of Senator Corbin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Joyce Fairbairn: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Agriculture and Forestry entitled *Value-added Agriculture in Canada*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine the issues related to the development and marketing of value-added agricultural, agri-food and forest products, on the domestic and international markets, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 323.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to travel outside of Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 328.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES PRESENTED

Hon. Sharon Carstairs, for Senator Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004 to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, respectfully requests that it be empowered to travel outside Canada for the purpose of its study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* of November 18, 2004, on which date the Senate approved the release of \$100,000 to the Committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

JOAN FRASER
Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 334.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Carstairs, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO TRAVEL AND ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF STATE OF HEALTH CARE SYSTEM PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, October 7, 2004 to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002 and in particular was authorized to examine issues concerning mental health and mental illness, respectfully requests that it be empowered to adjourn from place to place within Canada and to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT JOSEPH KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix F, p. 335.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Human Rights, an interim report entitled: *On-Reserve Matrimonial Real Property: Still waiting*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1440)

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO TRAVEL— REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Human Rights has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children, respectfully requests for the purpose of this study that it be empowered to travel outside of Canada.

[Senator Keon]

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on November 18, 2004. On November 24, 2004, the Senate approved the release of \$56,250 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix G, p. 342.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Human Rights has the honour to present its

SIXTH REPORT

Your Committee was authorized by the Senate on Wednesday, November 3, 2004, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on November 18, 2004. On November 24, 2004, the Senate approved the release of \$18,575 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix H, p. 343.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF CASES OF ALLEGED DISCRIMINATION IN
HIRING AND PROMOTION PRACTICES
AND EMPLOYMENT EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE PRESENTED

Tuesday, December 14, 2004

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Human Rights has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite from time to time the President of Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix I, p. 344.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY
ON BREAKDOWN OF MARRIAGE
OR COMMON LAW RELATIONSHIP PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

The Standing Senate Committee on Human Rights has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite the Minister of Indian and Northern Affairs to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled: *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix J, p. 349.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON CHARITABLE GIVING

REPORT OF BANKING, TRADE
AND COMMERCE COMMITTEE TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on Banking, Trade and Commerce dealing with its special study on issues respecting charitable giving in Canada, entitled: *The Public Good and Private Funds: The Federal Tax Treatment of Charitable Giving by Individuals and Corporations*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF CHARITABLE GIVING PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, November 18, 2004 to examine and report on issues dealing with charitable giving in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix K, p. 354.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the orders of the day for consideration at the next sitting of Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 20, 2004 to examine and report upon the present state of the domestic and international financial system, respectfully requests that it be empowered to engage

the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix L, p. 360.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 16, 2004 to examine and report on consumer issues arising in the financial services sector, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix M, p. 365.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, December 14, 2004

The Standing Committee on National Security and Defence has the honour to present its

FOURTH REPORT

Your Committee was authorized by the Senate on Wednesday, October 20, 2004, to examine and report on the national security policy for Canada.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on November 4, 2004. On November 16, 2004, the Senate approved the release of \$124,928 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix N, p. 371.)

• (1450)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, while the report is there, may we have the appendix to the report read as well?

Clerk at the Table: Appendix (B) to the report:

Tuesday, December 14, 2004

The Standing Committee on Internal Economy, Budgets and Administration has examined the budget presented to it by the Standing Senate Committee on National Security and Defence for the proposed expenditures of the said Committee for the fiscal year ending March 31, 2005 for the purpose of its Special Study on the need for a National Security Policy, as authorized by the Senate on Wednesday, October 20, 2004. The approved budget is as follows:

Professional and Other Services	\$ 107,320
Transportation and Communications	\$ 398,252
Other Expenditures	\$ 20,100
Total	\$ 525,672

(includes funding for public hearings, fact-finding missions and conference attendance)

Respectfully submitted,

GEORGE FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Kenny: Honourable senators, I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Furey, that this report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES PRESENTED

Hon. Nick G. Sibbeston, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, December 14, 2004

The Standing Senate Committee on Aboriginal Peoples has the honour to table its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, November 4, 2004, to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside Canada, for the purpose of such study.

Pursuant to chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

NICK G. SIBBESTON
Chair

(For text of budget, see today's Journals of the Senate, Appendix O, p. 372.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Sibbeston, report placed on the Orders of the Day for consideration at the next sitting of Senate.

[Translation]

MIGRATORY BIRDS CONVENTION ACT, 1994 CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

VISIT TO MEXICAN CONGRESS, NOVEMBER 8-10, 2004— REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table, in both official languages, the report of the Inter-Parliamentary Forum of the Americas (FIPA) held at the Mexican Congress, in Mexico City, Mexico, from November 8 to 10, 2004.

[English]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

AGRICULTURAL TOUR FOR US CONGRESSIONAL STAFFERS, SEPTEMBER 21-23, 2004

ATLANTIC PROVINCES CHAMBERS OF COMMERCE: ATLANTICA PROSPERITY MEETING, SEPTEMBER 30-OCTOBER 1, 2004—REPORTS TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour, on behalf of the Canada-United States Inter-Parliamentary Group, to table, in both official languages, two reports: The report of the Canadian delegation to the Agricultural Tour for U.S. Congressional Staffers held in Calgary, Alberta, from September 21-23, 2004; and the report of the Canadian delegation of Atlantic provinces chambers of commerce, Atlantica prosperity meeting held in Bangor, Maine, from September 30 to October 1, 2004.

QUESTION PERIOD

TRANSPORT

AIRLINE INDUSTRY—AIRPORT RENTS

Hon. W. David Angus: Honourable senators, this could well be the stuff of year-end goodies for the airline industry from the government. I hope it happens. According to an article in *The Globe and Mail* of December 10, Transport Minister Lapierre has a plan that will include the interim step of freezing airport rentals for 2005 and that, later, they will be permanently lowered.

My question for the government leader in the Senate is this: Can he please confirm that the government will follow up on this proposal and that these rents will be frozen for 2005 at 2004 levels; or will they in fact be raised by \$34 million or 11.9 per cent on January 1, as originally planned? If the response to the first part of my question is yes, can the leader tell us when these rents will be permanently lowered?

Hon. Jack Austin (Leader of the Government): Honourable senators, the matter raised by Senator Angus is under active consideration by the government.

Senator Angus: Honourable senators, I am not sure what that means.

Transport Minister Lapierre's immediate two predecessors also expressed their intentions to lower airport rents, which they acknowledged to be excessive and a real problem for the beleaguered travelling public and the airline industry in Canada. Alas, nothing happened. Airport rents continued, and they are still an exorbitant cost to Canadian airlines and to our travelling public.

My question to the Leader of the Government is this: Can the minister please explain what the public policy rationale is for maintaining airport rentals at such excessive levels, especially since they are in no way based on usage or services rendered by the users?

Senator Austin: Honourable senators, the rationale is the subject of active consideration today. The policy of creating non-profit management corporations for Canada's airports was one initiated by the Mulroney government and contracts were entered into by that government. Those contracts, of course, are the contracts which Senator Angus is now asking be re-examined.

• (1500)

FOREIGN AFFAIRS

ZIMBABWE—ELECTION MONITORING

Hon. A. Raynell Andreychuk: With respect to the delayed answer yesterday to my question regarding Radio Canada International cutbacks, I fully appreciate that CBC works as an autonomous Crown corporation. However, in respect of Radio Canada International cutbacks in its Ukrainian programming, in my mind the Government of Canada should send the signal that we care about diversity and respect the freedom of information

flows in countries that we support; this would not be seen as government interference in CBC matters. We regularly comment on supporting bilingualism and multiculturalism, and we should do that in this case. I put that on the record.

My question for the Leader of the Government is about elections. Currently, Canada is involved in Ukraine with election monitoring vis-à-vis the upcoming second presidential runoff elections. One wonders whether more effort up front might have resulted in a free and fairer election last time around. However, that is something for further analysis. Suffice it to say that all those who monitor elections say that the process of monitoring begins long before election day. Ensuring a free and fair election involves an independent electoral commission and access to information to ensure that there is an informed public.

Canada has had a long-standing relationship in Zimbabwe, where an election will take place in March 2005. I believe that there is an incredible amount of goodwill that Canada can exercise in ensuring that the opposition has some access to the press and that there is some semblance of a free and fair election. All the signs now are negative. Canada should exercise its remaining goodwill, both with the Government of Zimbabwe and with the neighbouring countries, to encourage them, under the South African Development Community — SADC — rules, to live up to the statements made by Zimbabwe and others in the SADC elections declaration.

The Australian government has expressed extreme regret over the incarceration of Mr. Bennett, a Zimbabwean opposition MP, who finds himself in deplorable jail conditions for political reasons. Canada should speak out strongly in support of this opposition member and others.

What will Canada do now to attempt to assist the people in Zimbabwe to have a free and fair election?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will try to answer to the issues that Senator Andreychuk has raised. First, with respect to the Canadian Broadcasting Corporation, as the senator noted, it is an independent corporation. One of the most sensitive issues in Canadian public policy relates to the role of government with respect to the Canadian Broadcasting Corporation.

It has been said over and over again that government should not interfere in the administration or policy of the Canadian Broadcasting Corporation. That is a position that I myself endorse.

The most influence that can be brought on the Canadian Broadcasting Corporation is from the Canadian public. There is nothing more sensitive to an entity such as the Canadian Broadcasting Corporation than public opinion and audience support. I would suggest to Senator Andreychuk that we all have the obligation to mobilize that public opinion so that the Canadian Broadcasting Corporation truly serves the Canadian public interest.

With respect to election monitoring in Ukraine, Canada has been among the most active and most forward in that exercise. As I mentioned earlier in this chamber, four senators from this place are among those who were monitors of the last round. With

respect to the forthcoming round, 500 election observers will be prepared by various experts on the kinds of functions they should perform to ensure that the process is well understood by the international community. We are hopeful that it will be a fair and effective process.

With respect to Zimbabwe, the problem that Senator Andreychuk raises is, of course, quite real. Canada has made representations to a number of countries, both inside and outside Africa, with respect to the situation there. The pivotal country is South Africa, and I have had discussions, as I am sure Senator Andreychuk has, with Amnesty International regarding Zimbabwe and the role of neighbouring countries, which is regrettably very slight in terms of the internal situation in Zimbabwe. Canada has raised this issue with those neighbours and with South Africa, regrettably without any real support by those countries that have their own interests in the Zimbabwe situation.

I would also add that Canada has raised the matter at the United Nations in discussions there. Beyond our voice, I am not aware that we can take any overt action in the matter. However, Canada is certainly on the side of pointing at Zimbabwe as a very serious international concern.

Senator Andreychuk: I appreciate the difficulty in making any impact on the Mugabe government, which seems not to respond to anyone. I appreciate that a SADC mechanism has set out the guidelines for all countries around Zimbabwe. They were the guidelines and targets to be attained, so we should continue the pressure to ensure that they follow their own guidelines. This is not something that we are imposing on them. These are the rules they said they wished to live by and they are quite valid rules to push for.

Second, of course, we should not forget that 25 per cent of the Zimbabwean population has been forced out of the country, which is intolerable for any country. Those people have left under desperate conditions.

The final point is that food has now become a weapon in Zimbabwe. A country rich and plentiful in resources and arable land should not be in the position in which Zimbabwe currently finds itself. The international community, through the United Nations, should be encouraged to step in more forcefully.

Senator Austin: Certainly, I support the representations of Senator Andreychuk.

NATIONAL DEFENCE

LOCATION OF NEW HEADQUARTERS

Hon. J. Michael Forrestall: My question is for the Leader of the Government in the Senate. Might I ask the leader whether he can confirm that discussions took place last week with regard to a Public Works purchase of land in Gatineau near the casino, that one of the proposed tenants is the Department of National Defence and that, in fact, it is the proposed future site of a new headquarters for DND?

Hon. Jack Austin (Leader of the Government): Honourable senators, since yesterday I have made inquiries, but I have as yet had no information given to me regarding the conjecture of Senator Forrestall with respect to the purchase of a site in Gatineau for the Department of National Defence.

I hope that by tomorrow I will be able to provide the honourable senator with a response. Regrettably, I have nothing more to tell him at the moment.

• (1510)

Senator Forrestall: I hope the leader can provide an answer by tomorrow, because I have had enough of asking about National Defence headquarters. Let us find a suitable spot, move it, and stop misleading people all over the region of Ottawa and Gatineau so that they can plan their futures. The minister will appreciate that there has been an upset for about two years now. It has gone on long enough.

Senator Austin: Senator Forrestall and I are in total agreement that the Department of National Defence deserves a much better headquarters. However, the process of finding such a site is a complex one involving an enormous number of issues of suitability, cost and other factors. As in all negotiations, and as Senator Forrestall is aware, patience is a virtue.

Senator Forrestall: I rather thought that Senator Murray dealt with that one yesterday in fine fashion.

HEALTH

REACTION TO UNITED STATES FOOD AND DRUG ADMINISTRATION ASSESSMENT OF THE DRUG BEXTRA

Hon. Wilbert J. Keon: Honourable senators, my question for the Leader of the Government in the Senate deals with the disclosure of possible health risks associated with the popular painkiller known as Bextra. Bextra is most often used to treat osteoarthritis. Last week, the U.S. Food and Drug Administration announced the results from a new study that revealed people who take Bextra after cardiac surgery have an increased risk of heart attacks, strokes and blood clots. Bextra is in the same class of drugs as Vioxx, which was pulled from the stores in late September for similar concerns. Could the Leader of the Government in the Senate tell us what Health Canada's response is to the study results involving Bextra?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will seek the information.

MONITORING OF INHIBITOR DRUGS

Hon. Wilbert J. Keon: Honourable senators, shortly after Vioxx's recall, Health Canada announced it would closely monitor all drugs in the class known as Cox-2 inhibitors over issues of cardiovascular safety. Could the Leader of the Government in the Senate make inquiries and report back to us whether Health Canada has yet received trial data for Vioxx from Merck, and if it will request similar information from Bextra's manufacturer, Pfizer?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would be happy to pursue those questions.

NATIONAL DEFENCE

MOOSE JAW—AVAILABILITY OF SEARCH AND RESCUE HELICOPTERS

Hon. Michael A. Meighen: Honourable senators, we were all saddened on Friday to hear of the loss of Captain Miles Selby, one of Canada's finest pilots who was involved in that dreadful collision in the skies over Mossbank, Saskatchewan. He will be remembered for his courage and service to his country, and for his dedication to the Snowbirds, a national icon and a source of great pride to all Canadians.

As we have seen too often, this government has adopted the dubious practice of taking note of the sorry state of Canada's military and its lack of resources only in the aftermath of a tragic accident. Rescuers at CFB Moose Jaw were forced to drive 47 minutes by truck in order to arrive at the scene of the accident, since search and rescue helicopters had been eliminated at the base.

My question is for the Leader of the Government in the Senate. We are told that a rescue helicopter based at CFB Moose Jaw would have taken just as long to get to the crash site. However, what would have happened had the crash occurred further away from the base? What if the crash had occurred far from any road or during severe weather? How quickly could a truck get to the accident site and get a victim to hospital, compared to a helicopter?

If the government will allow Canada's elite pilots to fly antique aircraft, does the government not feel it necessary to provide some sort of modern air search and rescue capability at a base where Canada's most advanced pilot training takes place?

Hon. Jack Austin (Leader of the Government): Honourable senators, first I want to say to Senator Meighen that the phrase "antique aircraft" is not an accurate description of the Snowbird aircraft, the Tudor jets. As Senator Meighen well knows, they are maintained in prime condition. The age of the aircraft is not relevant. What is relevant is the nature of their condition, their operability and their safety. The Canadian Armed Forces says unequivocally the aircraft are in top operating shape.

With respect to the hypothetical question of how far out might the accident have taken place, honourable senators, the question is a speculative one. With respect to the accident that took place, the military say that their ability to reach the site of the accident was absolutely admirable and that they could not have reached that site, as Senator Meighen said, with any other equipment more quickly.

Senator Meighen is questioning the military judgment of those responsible for the operation of the Snowbirds at their base in Saskatchewan. That judgment is one made by the military. It is not a judgment in which the government itself at the political level plays any role.

Senator Meighen: I congratulate the Leader of the Government in the Senate for the adroitness of his reply. Unfortunately, I do not think he answered the question.

The fact of the matter is that the military had to deploy the search and rescue aircraft that they had where they could, in view of cutbacks imposed by this government. They do not have, as I think the leader will agree with me, sufficient search and rescue helicopters.

Is the leader saying that it would not be wise to have a search and rescue helicopter at CFB Moose Jaw where all of our advanced flying schools are located, and where, far from being hypothetical, it is entirely possible, through the fault of no one, that an accident could take place far from the base, given the fact these aircraft travel at the speeds that they do? If there were an injured airman or airwoman at the crash site, far from the base, I suggest to him that there is no way in God's green earth that a truck could get there and back as fast as a helicopter.

Senator Austin: Honourable senators, I will report Senator Meighen's representation to the Minister of National Defence.

SNOWBIRDS—MAINTENANCE OF AIRCRAFT

Hon. Terry Stratton (Deputy Leader of the Opposition): I have a short supplementary question, if I may. The Leader of the Government has told us that these aircraft are maintained at a high level. How many hours of maintenance does it take to allow for one hour of flying? I want to compare that to the time required to maintain helicopters, or, precisely, the Sea Kings. Are we talking about a similar time frame?

Hon. Jack Austin (Leader of the Government): I do not have the specific answer to Senator Stratton's question, but I will be happy to ask that question of the Minister of National Defence.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

Hon. Gerry St. Germain: My question is to the Leader of the Government in the Senate, and it relates to the BSE scenario. Just last week, the Canadian Dairy Commission raised industrial milk prices by 7.8 per cent to help farmers hurt by the BSE crisis. Restaurants, grocery stores and consumer groups have opposed this hike. Instead, they wanted the government to provide compensation to the BSE-related farmers through the tax system. Can the Leader of the Government please tell us why their request fell on deaf ears?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have an answer to that question, nor do I know the background, so I will be happy to provide the answer as soon as possible.

Senator St. Germain: The deficiencies of this government's BSE aid efforts have become more apparent with each passing day, with over \$6 billion lost by farmers in rural Canada due to the BSE issue. More comprehensive financial assistance is needed. Beyond studying more proposals, what is the government doing? Has the government given any consideration to a one-time cull

removal of \$500 a head? I asked about that in this place and I received a delayed answer that did not even deal with the proposal that was put forward in regard to this. The dairy commission's increase is directly related to this cull-cow compensation program. What is the government doing to relieve this situation in the dairy and beef industries in rural Canada?

• (1520)

Senator Austin: Honourable senators, I have answered questions on this subject in the last few weeks and have told this chamber that the Government of Canada is monitoring the situation day by day. The Minister of Agriculture spends more time on this subject than on any other.

The Government of Canada has assisted the cattle industry with in excess of \$500 million to date and has projected that it will be supporting the industry this year and next with an additional several hundred million dollars.

The financial condition of the industry is being monitored and discussions are constantly underway with the provinces and the industry.

CANADA-UNITED STATES RELATIONS

BOVINE SPONGIFORM ENCEPHALOPATHY— OPENING OF BORDER TO BEEF EXPORTS

Hon. Gerry St. Germain: Honourable senators, it depends where the assistance goes. The need is not at the packing houses but at the cow-calf and dairy operation level.

Minister Pettigrew, who is in charge of this file, clearly stated, before the visit of George W. Bush, President of the United States, that a timeline for the resolution of this issue would be enunciated upon the President's visit. He said that on CTV, where I and millions of other Canadians heard it. Minister Pettigrew spoke in a confident manner, indicating that this was virtually a slam dunk, that we would receive a timeline at that time, and to date we have not received a definitive timeline.

Can the Leader of the Government in the Senate comment on the position of the minister who is responsible for this issue?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator St. Germain asked me that exact question previously, and I gave him the answer to it. The timeline is set by U.S. law, and nothing can shorten the process that is underway in the United States Department of Agriculture. The assessment done there is forwarded to the budget office for review. When those legal steps are completed, the United States administration will be in a position to make a final ruling with respect to opening the border to Canadian cattle.

Senator St. Germain: Honourable senators, I agree with the leader that a formal process has to be conducted, but the indication was that we would receive a timeline after the process was completed. Farmers are suffering; they have lost \$6 billion due to this crisis.

The Leader of the Government refers to \$500 million. I know that the provinces contributed as well. I am not saying that the intentions are not good, but I believe that some of the money has gone to the wrong place.

Did the President of the United States tell us what the timeline would be after the formal process? That is totally within his control and that is the key.

Senator Austin: Honourable senators, the Minister of Foreign Affairs was informing Canadians that a formal U.S. legal process provides an answer, and it will be available in the spring of 2005. I do not have the exact date at hand, but I can provide it to my honourable friend.

It is the expectation of the Government of Canada that when that legal process has been completed the United States will act rapidly to implement a favourable recommendation from the process now underway.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Honourable Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have to honour to present five delayed answers to oral questions raised in the Senate. The first is an answer to an oral question raised in the Senate on December 7, 2004, by Senator Angus, regarding guidelines on bank mergers.

The second is a delayed answer to an oral question raised on November 23, 2004, by Senator Angus, regarding the airline security charge surplus.

[English]

I have a response to an oral question raised in the Senate on December 7 by Senator ForreSTALL regarding the International Atomic Energy Agency; a response to an oral question raised on November 24 by Senator St. Germain regarding measures the Canadian government is taking to help trucking companies understand and apply the new United States rules for crossing the border; a response to an oral question raised on December 7 by Senator Tkachuk concerning bovine spongiform encephalopathy, effect on the cattle industry; and a response to oral questions raised in the Senate on November 23 by Senator ForreSTALL regarding the Department of National Defence, security needs of Canadian Maritime approaches.

FINANCE

GUIDELINES ON BANK MERGERS

(Response to question raised by Hon. W. David Angus on December 7, 2004)

Question 1:

Can the Leader of the Government in the Senate please advise us as to the reasons for the ongoing delay in arriving at a decision on this matter [bank mergers] and when we might expect an announcement on the guidelines?

[Senator St. Germain]

Answer:

On June 23, 2003, the government released a paper that responded to the reports of the two Parliamentary Committees, which provided their views on the public interest considerations that should apply in reviewing a large bank merger application.

This paper did three things:

It clarified the public interest considerations to be taken into account by the Minister of Finance in making a decision respecting an application to merge two large banks;

It sought public input on potential policy changes respecting several broader financial sector issues raised in the committees' reports and during the public hearings on bank mergers; and

It provided clarity on the timetable for merger proposals and committed to deliver final positions on the issues in the paper along with revised merger review guidelines by June 30, 2004.

This timeline was delayed as a result of the June 28th election.

This fall, the Minister of Finance has been consulting with the CEOs of large Canadian banks and insurance companies. The government is taking into consideration the comments heard during these consultations and will release its response and the guidelines in due course.

Question 2:

Could the Minister advise the Senate as to whether the government is contemplating measures to promote competition as a way of smoothing over public opinion prior to announcing a new framework for bank mergers?

Answer:

Strong competition is essential to quality, price and innovation in the marketplace. One of the four main thrusts of Bill C-8, the last round of financial sector reform, was to put in place a framework to foster domestic competition.

The government also asked for public input on a number of further initiatives aimed at enhancing competition in the June 2003 paper, and has received detailed submissions from institutions, consumer groups, and members of the public.

The government will take into account the broad range of views that has been expressed as it works out the approach on the merger issue. The views on these competition measures will form part of the government's response on mergers more generally.

Question 3:

First, how much money did the Department of Finance pay to Ipsos-Reid for this poll? Second, who in Finance Canada requisitioned the poll? Was it the Minister or the communications department? Finally, was the work for this survey and contract put to competitive tender? If not, why not?

Answer:

The Department of Finance paid Ipsos-Reid \$3900 for this poll.

The poll was commissioned by the Department's Consultations and Communications branch.

The Department of Finance followed appropriate guidelines to commission the research through the Department of Public Works and Government Services. Since Ipsos-Reid has a standing offer with the Department of Public Works and Government Services, no competitive tender was required.

TRANSPORT**AUDITOR GENERAL'S REPORT—
AIRLINE SECURITY CHARGE SURPLUS**

(Response to question raised by Hon. W. David Angus on November 23, 2004)

In the December 2001 budget, the government allocated \$7.7 billion through 2006-07 for a comprehensive plan to enhance personal and economic security for Canadians. This amount included \$2.2 billion to make air travel more secure in accordance with rigorous new national standards, including the creation of a new federal air security authority, the Canadian Air Transport Security Authority (CATSA).

To fund the enhanced air travel security system, the Air Travellers Security Charge (ATSC) was introduced, to be paid by air travellers effective April 1, 2002. The charge was established at a level sufficient to fund the enhanced air travel security system through 2006-07. The enhanced air travel security system benefits principally and directly travellers who use the Canadian air transportation system. In these circumstances, a user charge is fair and fiscally responsible.

At the time the ATSC was announced, the government indicated that it would review the charge over time to ensure that revenue remains in line with costs for the enhanced air travel security system over a five-year period.

In Budget 2003, following up on its commitment, the government presented a review of revenue and costs, identifying a total of \$329 million over five years available to reduce the charge. The charge for roundtrip domestic air travel was reduced to \$14 from \$24, effective March 1, 2003.

In Budget 2004, the government presented its second review, indicating an additional \$203 million over five years

available to reduce the charge. The charge was reduced to \$12 from \$14 for roundtrip domestic air travel, to \$10 from \$12 for transborder air travel and to \$20 from \$24 for other international air travel, effective April 1, 2004.

Further, as part of its commitment to review the charge over time, the government requested that the Auditor General of Canada perform an audit of revenue from the charge and expenses for the enhanced air travel security system. The presentation of audited financial information will help to ensure transparency and accountability.

The first report from the Auditor General, covering the period from September 11, 2001 to March 31, 2003, was released by the Department of Finance on November 17, 2004. The report shows that revenues generated by the ATSC over this period exceeded expenses, consistent with the analysis underlying the first two reviews, and reductions, presented in Budget 2003 and Budget 2004.

Information in the audited statements not already considered in the first two reviews of the ATSC will be carried over to the next review. Audits will be conducted annually through 2006-07.

The government remains committed to balancing revenues and costs over a five-year period. Future reviews will continue to provide updated financial information, and any adjustments to the charge will be undertaken as necessary.

FOREIGN AFFAIRS**INTERNATIONAL ATOMIC ENERGY AGENCY—
CUTBACK OF FUNDS FOR VERIFICATION PURPOSES**

(Response to question raised by Hon. J. Michael Forrestall on December 7, 2004)

Canada is a strong and active supporter of International Atomic Energy Agency (IAEA) activities, especially nuclear safeguards and security.

The Agency plays a key role in the nuclear non-proliferation regime, given its responsibilities under the Nuclear Non-Proliferation Treaty (NPT) for the implementation of nuclear safeguards, designed to verify the peaceful nature of nuclear energy programs, and its efforts to secure nuclear and radiological material.

Spurred by the recognition that the Agency needed a significant increase to its safeguards budget, at FAC's request, Treasury Board in 2003 made an exception, it's first ever, to its long-standing policy of zero increases in the budgets of international organizations.

Canada thus strongly supported a political compromise which provided for a USD \$25 million and 10 per cent increase in the Agency's budget over 2004-2007 to increase the Agency's capacity to verify the non-diversion of nuclear material and technology to weapons programs.

As a result of the increase in the Agency's safeguards budget, Canada's assessed share of the Agency's budget for 2004 rose by CAD \$749,000.

Canada's CAD \$4 million donation in 2003 also makes it the second largest donor to the Agency's Nuclear Security Fund, intended to increase the security of nuclear and radiological material, especially to prevent its use by terrorists.

Canada pays its assessed share of the Agency's budget in full every year. Canada's contribution for 2004 amounted to CAD \$9.1 million.

TRANSPORT

CANADA-UNITED STATES BORDER— REQUIREMENT OF TRUCKING INDUSTRY TO SUBMIT CARGO INFORMATION IN ADVANCE

(Response to question raised by Hon. Gerry St. Germain on November 24, 2004)

The Minister of Transport is aware of the problem that small and medium-sized trucking companies are facing when trying to understand and comply with the new United States (U.S.) rules concerning advance cargo information required by the U.S. Customs and Border Protection Agency.

Extensive consultations were held with the trucking industry and other stakeholders and their input was taken into consideration in the final U.S. regulations. In 2002 and early in 2003, when the new U.S. rules were first publicized, in addition to the outreach activities of the U.S. government, the Canadian government in collaboration with the Canadian Trucking Alliance and other trucking associations organized several workshops to better inform the trucking companies of these new U.S. rules and how to comply with them. As well, the Canada Border Service Agency (CBSA), Transport Canada and the Department of Foreign Affairs through various conferences and meetings with representatives of the trucking industry, exporters and other businesses involved in the logistics chain have informed these groups about the new U.S. rules. The Canadian government relies on these organizations to better inform their members. In addition, the CBSA is also providing background information on their web site regarding joint programs with the U.S. such as the Fast And Secured Trade program to help trucking companies comply with the new U.S. customs requirements.

Furthermore, the U.S. Homeland Security Secretary, Tom Ridge and Customs and Border Protection (CBP) commissioner, Robert Bonner, have provided assurance that CBP will follow a practice of "informed compliance" and that truckers who have not provided advance notification to U.S. agencies will not be turned back from the border or have to pay a fine for a reasonable period of time (i.e., until January 31, 2005).

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE INDUSTRY

(Response to question raised by Hon. David Tkachuk on December 7, 2004)

Severe economic losses have been experienced in the entire ruminant livestock industry and at all levels of the affected value-chain since the detection of BSE.

The growth in the Canadian beef cattle sector over the past decade has been fueled by exports, with the U.S. being the primary destination, accounting for 78 per cent of beef exports and nearly 100 per cent of live exports. By 2002, the Canadian cattle industry had expanded to the point where it was worth an estimated \$7.7 billion per year. As such, border closures have had a devastating impact for producers, rural communities, and related agri-businesses, including the entire ruminant livestock industry.

In June 2004, Statistics Canada published the report entitled *Canada's Beef Cattle Sector and the Impact of BSE on Farm Family Income*. The study indicates that in 2003, Canadian farm cash receipts from cattle and calves were estimated at \$5.2 billion, a sharp drop of \$2.5 billion from the previous year.

Federal and provincial governments are working in close collaboration with stakeholders at all levels of the value-chain to identify and alleviate pressures. Governments, in consultation with industry, have continuously worked to pursue the best course of action in finding solutions to the BSE situation.

To date, Federal-Provincial-Territorial governments committed \$2.5 billion in targeted national BSE programs, including: the BSE Recovery Program, announced June 2003; the Cull Animal Program, announced November 2003; and the Transitional Industry Support Program, announced March 2004.

Following intensified consultations among federal and provincial governments and with industry during the months of July and August 2004, consensus was obtained on the need to shift from a short-term strategy of maintaining the industry until the US border reopens live cattle, to a long-term strategy to ensure sustainability and profitability.

On September 10, 2004, a package to reposition the industry was announced. This package provides \$488 million of federal assistance and contains a suite of measures that are designed to reposition the beef and cattle industry for profitability in the current environment, and after borders reopen. This four-part strategy will focus on: continuing efforts to reopen the U.S. border to live animal exports; encouraging an increase in domestic slaughter and processing capacity; continuing to assist producers until additional processing capacity comes online; and increasing Canada's international market share in beef by expanding our position as a premium beef exporter.

The financial support announced before September 10th has assisted to offset a portion of the financial hurt to the ruminant industry. The package announced on September 10th, was designed to deal with structural issues in an industry operating in a different environment to that which existed prior the confirmation of BSE in the Canadian herd.

NATIONAL DEFENCE

FOREIGN SHIPS IN CANADIAN WATERS— PROTECTION OF NORTHERN WATERS

(Response to question raised by Hon. J. Michael Forrestall on November 23, 2004)

Every day thousands of ships pass through Canadian areas of interest. As part of ongoing national security measures, the Canadian Forces play an important role in monitoring that traffic.

The Canadian Forces maintain a "Recognized Maritime Picture." This 'picture' is compiled using information from various sources — such as visual surveys and electronic sensor data — and provides a comprehensive view of Canada's maritime approaches at any given moment.

In conjunction with these monitoring efforts, initiatives such as the creation of the Maritime Security Operations Centres, experiments with Uninhabited Aerial Vehicles and High Frequency Surface Wave Radar, and increased sovereignty patrols are addressing the security issues of the Canadian maritime approaches.

Recent media reports have highlighted potential transgression of Canadian Arctic waters by foreign vessels. While the Canadian Forces do monitor these areas, it is the responsibility of the Canadian Coast Guard to track vessels in Canadian waters.

QUESTION ON THE ORDER PAPER

REQUEST FOR ANSWER

Hon. John Lynch-Staunton: Honourable senators, can I ask the Deputy Leader of the Government if I can expect an answer to my written question that has been on the Order Paper since early October?

Hon. Bill Rompkey (Deputy Leader of the Government): I will certainly see if I can expedite the answer for Senator Lynch-Staunton.

BUSINESS OF THE SENATE

Hon. Terry Stratton (Deputy Leader of the Opposition): Before going to Orders of the Day, although we have received many reports, I understand that we still have not received all the reports. I would like to ensure that all senators have received a copy of each report.

Could we be assured that this will be done before the end of the day?

The Hon. the Speaker: Honourable senators, I have noted that and will speak to the table to ensure that the reports that were the subject of earlier business are distributed.

[Translation]

ORDERS OF THE DAY

APPROPRIATION BILL NO. 2, 2004-05

SECOND READING

Hon. Joseph A. Day moved the second reading of Bill C-34, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005.

He said: Honourable senators, the bill before you today, Appropriation Bill No. 2 for 2004-2005, provides for the release of the balance of funds in the 2004-05 Main Estimates, which were tabled in the Senate on October 8, 2004.

The government presents its estimates to Parliament to support its request for authorization to spend public funds. They contain information on both budgetary and non-budgetary spending authorities.

• (1530)

Then Parliament studies the supply bills to authorize expenditures. The amount of \$183 billion from the Main Estimates for 2004-05 is included in the expenses forecast by the Minister of Finance in the February 2003 federal budget, in the November 2003 economic and financial update, and in Part I of the Main Estimates for 2004-05.

[English]

Honourable senators, your Standing Senate Committee on National Finance has a standing mandate to look into and consider the various estimates as they are presented, in particular, the Main Estimates we are discussing here today.

Our committee is ably chaired by Senator Oliver, and I would congratulate him on the fine work that we have been doing over the past several months with respect to these Main Estimates. I would thank honourable senators who had the opportunity to participate in our particular Senate standing committee.

I must say that, at this stage, that we do miss two of our former long-term serving colleagues, Senators Bolduc and Beaudoin. This is the first exercise that we have undertaken without them serving on the committee.

We are fortunate in having Senator Murray continue as a member of the committee, although in a different capacity than previously, when he was Chair of the National Finance Committee. I am pleased that he has been able to continue to serve. We also have had the value of the institutional knowledge of Senator Cools in serving on our committee, also in a different capacity than previously.

We have continued to study the Main Estimates. Most recently, we discussed those Main Estimates in some detail with Treasury Board Secretariat officials, in their appearance before our committee on November 23 of this year.

The 2004-05 Main Estimates total \$186.1 billion, of which \$183 billion is budgetary expenditures and \$2.8 billion is non-budgetary expenditures. Let me explain the difference, honourable senators.

Budgetary expenditures include the cost of servicing the public debt, operating and capital expenditures, transfer payments to other levels of government, organizations or individuals, and payments to Crown corporations. Non-budgetary expenditures are outlays that result in a change in the composition of the financial assets of the government, but are not expenditures as such.

In 2004-05, these expenditures are represented primarily by payments to various international financial institutions and loans disbursed by the Canada Student Financial Assistance Act, with the anticipation of those funds coming back in due course as the loans are repaid.

Both budgetary and non-budgetary expenditures may be authorized through appropriations, such as we are dealing with here with this appropriations bill, or by individual statutes. Accordingly, the figure of \$186 billion is split into two different expenditures.

The first is appropriated or voted items, for which spending authority is being sought. For 2004-05, these items amount to approximately \$65 billion, or 35 per cent of the published Main Estimates. Thirty-five per cent are voted.

The second is statutory items for which spending is authorized through stand-alone legislation approved by Parliament. These include Employment Insurance benefits, elderly benefits, Canada Health and Social Transfers and transfers to the provinces and territories. For 2004-05, these items amounted to \$121 billion, or approximately 65 per cent of the total Main Estimates for the year, which are covered by other statutes.

Therefore, dealing with the \$65 billion, which is appropriated or voted items in these Main Estimates for this fiscal year, authority to spend \$50 billion was already provided back in June by Parliament, in Appropriation Act, No. 1. The balance of \$15 billion is now being sought through this Appropriation Bill, No. 2, or Bill C-34.

Honourable senators, I wish to inform you that the appropriation sought through this bill is somewhat less than the amount reflected in the Main Estimates for this particular year, which was tabled in the Senate on October 8, 2004.

In the other place, recently, the Standing Committee on Government Operations and Estimates recommended that vote 1, under the heading of "Governor General" in the Main Estimates — and the total amount of that is \$17 million, less

the amount granted in interim supply — be reduced by 10 per cent of what was still outstanding in the operation portion of the Governor General's budget, which amounted to \$417,000.

In addition, the same committee recommended that vote 1 for the Privy Council in the Main Estimates, in the amount of \$111 million, less the amount granted in interim supply, be reduced by the sum of \$127,000. All of the other items that appear in the Main Estimates that had not been previously appropriated in Appropriation Bill, No. 1 are now before you for approval, amounting to approximately \$15 billion.

Honourable senators, these recommendations were accepted in the other place. The appropriation bill that is before you reflects the two changes — the Governor General and the Privy Council Office — and all other items have been approved in the other place.

Honourable senators, it is my respectful request that we now approve second reading of this appropriation bill.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton: Will Senator Day allow a question?

Senator Day: I will be pleased to answer.

Senator Lynch-Staunton: Could the honourable senator explain the reduction of the Governor General's budget, that is, what the purpose of that is, what impact it is supposed to have, and why we should go along with it? Leaving personalities aside, we are talking about the Crown, an essential element in Parliament. I have never seen this done before for whatever reason, and I hope this action is justified. I should like to know what is behind this.

Senator Day: I thank the honourable senator for his question. I will attempt to answer. I was not present at the committee hearing that dealt with this particular matter in the other place.

I can tell you that the motion to reduce was moved by one of the members, Louise Thibault. The motion was considered. The amount was \$417,000 under vote 1, which was 10 per cent of the outstanding amount of the operating budget of the Governor General that had not already been approved. Therefore, 10 per cent of that amount was recommended by that committee.

There was some suggestion that the Governor General should immediately show good faith by reducing the funds through the reallocation that is going on — reducing her expenditures by 5 per cent. With this particular motion, the proposal was that it would assist the Governor General by suggesting a saving of 10 per cent at this time. There seemed to have been some dissatisfaction with some of the activity that was going on with respect to the Governor General's travel.

• (1540)

The government has accepted this reduction, presumably in consultation with the Governor General, and my recommendation to this chamber is that we follow suit with the government and accept the reduction.

Senator Lynch-Staunton: Can the honourable senator explain which parts of the Governor General's budget have been affected? Does — as I heard on the radio this morning — it mean a lessening of activities on skating rinks for children and cutbacks with respect to Order of Canada ceremonies?

Having to reduce activities in these areas — if the radio report is correct — has nothing to do with the Governor General personally but, rather, with essential activities of the Crown. If my suggestion is correct, that the cutbacks are related to activities that have nothing to do with the person but to activities attached to the person that are essential, perhaps the amount should be reinstated.

Senator Day: The amount that had been outstanding and not approved as yet on behalf of the Governor General's vote 1, which is operations, was \$4 million. It was suggested by Ms. Thibault, a member in the other place, that the Governor General's budget be reduced by 10 per cent — \$417,000. The Governor General, within her operating budget, determines how those funds should be used.

I did — as did you — read the comments from both the Governor General and members of the other place; clearly, a debate on the matter was taking place. I am sure that the Governor General will wisely consider the manner in which she will save the \$417,000 out of an operating budget of \$16 million.

Hon. Noël A. Kinsella (Leader of the Opposition): My question to the honourable senator is this: Does he think it is within the capacity of the Senate to amend this bill, to add money to it — in other words, to reinstate funds?

If we accept the proposition that is being considered here, would this not be adding to the budget? Do we have the capacity to do that?

Senator Day: I hesitate to speculate with opinions. I can say to the honourable senator that this reduction has been considered by the government. The government has requested the amount in appropriations less this amount that we are discussing with respect to the Governor General. If the government is content with that amount, I would suggest that this house should accept that amount.

Senator Kinsella: I should like to have the honourable senator's opinion as to whether the Senate could make such an amendment to the bill that is now before us?

Senator Day: I understand the honourable senator's question. He is asking me to speculate. My view has always been that this body is better able and equipped to reduce rather than to add to proposed government expenditures.

Hon. Jack Austin (Leader of the Government): Honourable senators, I do have a question. I find it fascinating to have representatives of the Conservative Party in this chamber

questioning the behaviour of representatives of their party in the other chamber, because it was, to my astonishment, members of the Conservative Party in the other chamber who led the parade to reduce the Governor General's funds in this particular budget. It was the Liberal government that defended the Governor General, as it had every right and responsibility so to do.

I do not know what the purpose of the exercise is because as Senator Day has said — if I understand his answer — the government maintained the budget of the Governor General and the House of Commons thought otherwise and voted otherwise. I do not believe that, in this chamber, we should exercise an authority that I do not think we have, which is to deal with what would in effect be a reinstatement.

I am not sure that Senator Lynch-Staunton was proposing a reinstatement. I think he was questioning. However, I found the line of questioning as hard to follow as I think my colleague Senator Day did.

Senator Lynch-Staunton: I was unaware that the Senate had to march in lockstep with the House of Commons. If so, perhaps the ethics bill would have gone through in the last Parliament instead of this one. Let us not get into a your-guy-said-something-in-the-other-place, you-have-to-follow-here kind of approach.

We asked why the amount was reduced. The only answer Senator Day could give was that they told me to say that. There is no logical reason for it, except some individual dislike of the office or some exaggerated assessment of spending by that office, which has yet to be proven. The Governor General has been criticized for a trip she took in the Arctic. That trip was sanctioned by the Department of Foreign Affairs and largely financed by it.

Whatever one feels about the office of the Governor General, unfair criticisms are being made. It seems to be a new practice to pick on Governor General Clarkson, and on the office in particular. As long as the office is there, we should show respect for it.

I am hearing about a \$400,000 cut in the operating budget, \$400,000 that has nothing to do with her personally but rather with the responsibilities she has to carry out. Canadians will be penalized as a result of this cut. I have not had a satisfactory challenge to that conclusion.

Senator Austin: Honourable senators, I should like to engage in this process — whatever it is — by saying that I completely agree with Senator Lynch-Staunton. I am delighted that he is taking the same position that the government took in the other place with respect to this aspect of Governor General's budget.

However, at this point, if I may say to honourable colleagues, we have received the bill from the other place and there is no purpose in attempting to take any steps that would provide for any reinstatement.

Senator Kinsella: Honourable senators, our debate at this point speaks to a matter of order. The question put simply is this: Is it in order for the Senate to move an amendment to a bill of this nature that would increase monies that are not in the bill? I agree with the Leader of the Government in the Senate. I understood him to say that he is of the view that the Senate does not have that within its capacity. I think he is correct in that view.

Therefore, much of our debate is moot — to say the least — but only because we also have another debate going on in this place about the oath of allegiance, which has many Canadians wondering whether the Senate of Canada is a defender of our parliamentary monarchical system. On this particular issue, we should make the record clear that it is not in order for us to amend this matter in any event.

• (1550)

Senator Lynch-Staunton: Honourable senators, the government has not defended the Governor General. No minister has stood to defend her. No one in this chamber has defended her. All we are hearing is that the House of Commons decided this, and therefore we have to agree with it. No one stood up in the other place and said that the Governor General deserves better treatment and greater respect.

Senator Austin: The honourable senator is wrong. The Treasury Board defended her.

Senator Lynch-Staunton: I read the debates on the estimates; there is nothing in Hansard. We are told that the government supports the reduction. No matter what one minister may have said, the government supports it, which I think is an insult to the office. That is not what the Senate is all about.

Senator Austin: Talk to your colleagues in the other place.

Hon. Donald H. Oliver: Honourable senators, I stood four times wanting to speak earlier, but it is redundant now. I will not bother.

Hon. Serge Joyal: Honourable senators, I want to be on the record on this issue because I have a clear conviction about the status of the Governor General and the status of Parliament in relation to the expenses linked to the position of the Governor General of Canada as being the representative of the Queen of Canada.

If we look into the history of how responsible government came about, it was essentially for Parliament to take the final decision on the way that appropriation should be made. Many people in the other place and in the general public have the impression that the Governor General put together a budget and then sent it to Parliament, with Parliament having no other thing to do than to vote for it. This is not at all the way the convention operates in our system.

There is the Privy Council. I am a Privy Councillor. The Crown does not have any freedom to act but on the advice of the chief of the Privy Council, the Prime Minister. The convention is that the Prime Minister meets regularly with the Governor General to

keep her informed of the activities of the Privy Council, which is the cabinet.

The budget for the Governor General is put together on the advice of the Prime Minister as the head of the Privy Council. When the Governor General put together a list of activities, there are activities that she had no choice but to do because she is the representative of the Crown.

As the honourable former leader of the opposition stated, when the Governor General grants the Order of Canada, she is not doing something of her choice. She is requested to grant the Order of Canada because Her Majesty, the Queen of Canada, is the sovereign of the Order of Canada. This is an activity of the Crown that the Governor General must perform as long as she is the representative of the Queen of Canada.

A very bad perception has now been created that the Governor General acts on her own impulse. The impression is that she could decide which trips to take, the cost of those trips, and who should be involved in those trips. When she leaves the country to represent Canada abroad, she does not do it on her own. She makes those trips because the chief of the executive council of Canada has advised her to do it. That is the principle behind how our system functions.

The government leader has stated it clearly. It is wrong to create and nurture the perception that we have to clip the wing of this Governor General because she seems to be spending too freely. That is not the way it is.

The minister of the Crown, who is a member of the executive council of the government, has to defend the Governor General. It is why we are Privy Councillors. That is the fundamental reason we have a Privy Council. If we are not serving those principles, we undermine the very roots of our system.

That is wrong. I have said before in this chamber during Senators' Statements and in some other publications that this is the system. If we do not like the system, let us change the system and address the question front and centre. However, do not let the system be undermined or fall into disrepute through the ignorance of Canadians not understanding the system and through our inability to explain it.

This is a very important element. If we do not defend the institutions of this country — and when I say "institutions," I mean the government — we really undermine the trust that Canadians place in their government. We are not serving Canadians if ministers of the Crown do not explain to them how the system works.

Honourable senators, I have said before that an acting minister of the Crown has an obligation. He or she has taken an oath — as we have taken an oath — to advise the Crown on the way that the executive capacity of the Crown should be exercised. This concept is something so fundamental that we would be well advised to use the opportunity that we have to state the essential elements of the system. In all fairness, we should state how well it has worked in the past for the benefit of all Canadians.

Senator Austin: Is the honourable senator aware that the item relating to the Governor General was reduced in a committee of the other place and that the government defended the Governor General by reinstating the item in its motion? That reinstatement was defeated by the opposition, led by the Leader of the Opposition. Is the honourable senator aware that that was the process?

Senator Joyal: I thank the honourable senator for his comments. I read the debate in Hansard of the other place and the minutes of the committee. I listened very carefully to Senator Carstairs' comments during Senators' Statements last week or the week before.

I read in the paper about the initiative that the government took to reinstate the \$417,000 amount that was reduced, and it was defeated in a late vote last Thursday night, if I remember well. We had adjourned at that point.

I deplore the result. I am not critical of the government efforts to have tried to reinstate the amount. The government came to the conclusion that the \$417,000 required to perform the role of the Governor General must be consistent with the first move that they made in putting that amount of money in the original estimates.

I understand the reasons behind the politicking, but I deplore the end result.

I understand the comments made by the Honourable Leader of the Opposition that we are in a difficult situation in the Senate to reinstate the amount of money considering our constitutional power. We have to recognize that limitation. However, it is important that we voice our concern here because we are part of the integrity of the system. It is important for us to state those principles.

• (1600)

[Translation]

The Hon. the Speaker: Honourable senators are you ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting.

APPROPRIATION BILL NO. 3, 2004-05

SECOND READING

Hon. Joseph A. Day moved that Bill C-35, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005, be read the second time.

He said: Honourable senators, this Bill C-35, Appropriation Bill No. 3, 2004-05, provides for the release of the full amount of the funds provided for in the 2004-05 Supplementary Estimates (A) and now seeks parliamentary approval to spend \$2.9 billion as voted expenditures. These expenditures were granted based on the spending forecast by the Minister of Finance in the 2004 Federal Budget.

Honourable senators, since it is impossible to predict with absolute certainty all the financial needs of the government, this act provides an opportunity to seek and receive Parliament's approval for additional expenditures and transfers of funds. The 2004-05 Supplementary Estimates (A) were tabled in the Senate on November 4, 2004 and referred to the Standing Senate Committee on National Finance. These are the first supplementary estimates for the current financial year ending March 31, 2005.

[English]

Supplementary Estimates (A), 2004-05, totals \$2.7 billion, of which \$2.9 billion is voted. This amount of \$2.9 billion is offset by \$0.2 billion decrease in projected statutory spending from amounts forecasted in the Main Estimates for this year. This is due to a decrease in expected public debt charges and a revised forecast of provincial transfer payments. As a result, the net financial requirement for the supplementary estimates will be \$2.7 billion.

Supplementary Estimates (A), 2004-05, was discussed in some detail with the Treasury Board Secretariat officials in their appearance before the Standing Senate Committee on National Finance in November of this year. The report that resulted from our investigation and those meetings was adopted by the Senate on December 8 of this year.

Of the voted budgetary amount of \$2.9 billion, some of the most important items for which approval is required are as follows: \$189 million for additional costs for the Canadian Forces deployment to Afghanistan; \$162 million for international assistance to Haiti and Afghanistan; \$158 million for compensation adjustments to departments and agencies as a result of recently negotiated collective agreements; and \$132 million for public security initiatives, marine security, Smart Border Declaration initiatives and national security policy.

Honourable senators can see from the various items that the specific amounts could not have been predicted when the initial budget was put. The amounts were indeterminable at that time, and that is the reason for the supplementary estimates. In addition, as I indicated earlier, there is a net decrease of \$0.2 billion in the forecasted statutory spending, not the voted spending; an \$800 million decrease expected in public debt charges due to lower than forecasted interest rates; and a \$762 million decrease due to a revised forecast of transfer payments to the provincial governments after census taking and income tax assessments.

Honourable senators, while preparing for the arrival of the bill, the National Finance Committee was involved in reviewing the processes and procedures for reporting. We were pleased to view a number of formatting changes that appeared in the supplementary estimates.

The aim of these changes is to provide greater transparency and consistency of information in the estimates documents, and greater clarity so that the reader may understand the documentation without requiring an additional explanation of each entry. The principal changes in the formatting are a ministry summary table preceding each ministry, making it much easier to follow; an explanation of gross funding requirements; and an explanation of funds available to offset new funding requirements.

In addition, a feature found in these estimates is a summary of horizontal initiatives that go between various departments. That was introduced in one of the previous estimates, and we found that to be helpful because it drew together one subject matter that covers many departments and it told us the global expense for the particular subject matter.

Government spending for these programs is distributed throughout a number of departments and agencies. The expanded use of this was a result, in part, of the Finance Committee's urging. These changes allow honourable senators to view more information on new spending. The government-wide reallocation initiative now becomes more transparent to the Senate in terms of the net amount of spending authority being requested and other information such as how offsets are being used. The ministry summary section has also been improved. Information on transfers between votes and transfers between organizations due to restructuring is also reflected. As well, details of information on new appropriations are now presented in two columns for ease of reference. Many of these changes presented were the result of urging by the Finance Committee, and we were pleased that the minister acknowledged that during his appearance before the committee.

Honourable senators, these changes are just the beginning of a process designed by the Treasury Board Secretariat to improve reporting to Parliament. The members of the Finance Committee had been invited to participate in that ongoing review of the presentation of documents, and we have accepted that invitation on behalf of the Senate. We look forward to continuing to participate with the Treasury Board Secretariat in improving the reporting and transparency of the documentation.

Honourable senators, that concludes my remarks with respect to the Supplementary Estimates (A). The Finance Committee will continue its mandate to deal with the Main Estimates and report to the Senate at the end of March, 2005. I would urge honourable senators to support Bill C-35, Supplementary Estimates (A), at second reading.

• (1610)

Hon. Donald H. Oliver: Honourable senators, I wish to join this debate, and I thank the Honourable Senator Day for his very detailed review of the provisions of this particular appropriation bill. As he pointed out, the Supplementary Estimates (A), 2004-05, on which this bill is based, were referred to the Standing Senate Committee on National Finance on November 16, 2004, just a month ago.

[Senator Day]

The committee held two meetings to review these supplementary estimates. At the first meeting, officials from the Treasury Board Secretariat provided explanations on the structure and content of the supplementary estimates, and at the second meeting the Honourable Reg Alcock, the President of the Treasury Board, explained to the committee further changes to the government spending plans contained in the supplementary estimates. Senator Day has referred to some of these in part, and I wish to add to and elaborate on a few of those in the time I have remaining.

Honourable senators, the Standing Senate Committee on National Finance reported on the Supplementary Estimates (A), 2004-05, to the Senate on December 7, 2004, on the basis of the information gathered from these two meetings. I will not take much of your time, but I do want to share some of the information on these observations contained in the committee's report. I believe this will facilitate the Senate's consideration of the appropriation bill now before us.

First, the committee was pleased to see that a number of changes to the format of the supplementary estimates have been introduced with the Supplementary Estimates (A), 2004-05. I believe these changes provide greater transparency and consistency of information in the estimates document.

In my view, honourable senators, one of the most fundamental changes introduced with these supplementary estimates relates to more detailed departmental information. Let me explain.

In the past when existing spending authorities were no longer needed, they were simply used to offset departmental requests for new spending authorities, but they were not displayed in the supplementary estimates. Under the new format just started, the gross requirements and the net amounts of authorities available for each individual department are now displayed. This practice clearly enhances transparency in reporting to Parliament and makes it easier for all Canadians to understand.

Honourable senators, transparency is a key factor in strengthening the accountability, oversight and management of government spending, and accountability and transparency are two of the words that are at the essence of what this committee has been doing in the last few months.

The President of the Treasury Board informed the committee that further changes are in the works to improve the estimates documents. He invited the Standing Senate Committee on National Finance to take part in a consultation with the Treasury Board Secretariat on proposed changes. As honourable senators will recall, this is not the first occasion that the Standing Senate Committee on National Finance has been called upon to comment on proposed changes to the practices and the policies of the Treasury Board Secretariat. A past concern that recurs and recurred in our last report relates to the Treasury Board vote 5 government contingencies. I referred to this item when tabling the report on the supplementary estimates last week.

Allow me to remind honourable senators that funding provided to government departments and agencies under Treasury Board vote 5 is either for pay list shortfalls, such as severance pay and parental benefits, which cannot be predetermined, or for what is called "miscellaneous minor and unforeseen" expenditures that were not provided for in the Main Estimates and which are required before supplementary estimates are tabled.

Honourable senators can recognize from the language of "miscellaneous minor and unforeseen" that this opens the door unless there is a more clearly defined definition. That is what this committee has been attempting to do for many sessions.

More precisely, in June 2002, the Standing Senate Committee on National Finance tabled a report containing nine recommendations regarding the use of the Treasury Board vote 5. Its wording and the guidelines to analysts analyze how assessing departmental requests for contingency funding is actually done. Since that time, the committee has had ongoing discussions with officials of the Treasury Board Secretariat about its 2002 recommendations and possible changes that should dictate the use of Treasury Board vote 5.

Minister Alcock informed our committee the last time he was there that he is now considering the following options: changes to the wording in the introduction of the Main Estimates to provide better context around the use of Treasury Board vote 5 by departments and agencies; alteration to the wording of the vote itself; an approved framework governing the use of vote 5; and, finally, a set of Treasury Board approved guidelines or criteria to accompany the framework. He indicated that he hoped this new set of documents would be available to us before Christmas.

Let me assure honourable senators that the committee intends to follow up on this matter when it resumes its hearings after the holiday season. The potential for the misuse of Treasury Board funding is too great to allow the matter to rest without a response to the committee's earlier recommendations.

Honourable senators, Senator Day has already told you about the importance of the new horizontal reporting. It is now possible to track information on initiatives undertaken by multiple departments. The committee was pleased to learn that the new expenditure management information system, known as EMIS, will reduce the potential for duplication and allow for better decision-making and improved governance of horizontal initiatives. This EMIS system, however, is not without its complications. The use of electronic tools to report expenditures and performance data must be introduced gradually because it could be very disruptive to the public service, which is unaccustomed to providing information that is both current and transparent. Minister Alcock stressed that both the employees and the managers in the public service will require time to develop the mindset that is compatible with a more dynamic "evergreen" model of reporting government spending.

Minister Alcock mentioned another difficulty that could arise with the introduction of electronic reporting and the increasing ability of parliamentarians and perhaps citizens to assess detailed expenditure plans, and that problem is the tendency to want to

micromanage the public service. Minister Alcock raised the concern that this tendency to micromanage may manifest itself in ministers at the Treasury Board Secretariat and in committees of Parliament itself. Many, armed with this new information, will want to second-guess the spending decisions taken by public service managers. He indicated that the current work on defining accountability in government and the public service must establish clear objectives that will be used to assess the performance of deputies and senior staff.

In his appearance before the National Finance Committee on the supplementary estimates, Minister Alcock also talked about new initiatives that will alter the way that government spending is now managed. In particular, he explained the role of the Subcommittee of the Treasury Board on Expenditure Review, which essentially is to identify low priority programs that could be eliminated or at least reduced. He stated that the federal government is seeking to generate savings amounting to \$12 billion over the next five years that will be reallocated to higher priority areas.

He also noted that half of these savings will come from department's identification of their lowest 5 per cent spending priorities, while the other half will come from savings on central government activities through improvements in management efficiency, namely, three particular areas: procurement, property management and service delivery from the Department of Public Works.

Honourable senators, I wish to stress that the review of the supplementary estimates also provided committee members with an opportunity to question Minister Alcock about internal audits and the role of deputy ministers. You will agree that sound internal audits allow departments to properly assess and monitor their management practices in the achievements of those objectives.

Minister Alcock also reminded the committee that the Office of the Comptroller General of Canada was re-established in June 2004, with one of its key duties being to set or review financial accounting and auditing standards and policies for the federal government. He also indicated that he recently announced a multi-year initiative to strengthen the internal audit function across the federal government. This multi-year initiative, which is under the lead of the Comptroller General, will provide internal audit services to 63 departments and agencies that have limited and sometimes no internal audit resources.

As stated in our last report, the committee welcomes this multi-year initiative to strengthen the internal audit function of federal departments and agencies. We also welcome the minister's commitment to make deputy ministers more accountable for the overall operations for their departments and hold them to account for their outcomes.

Honourable senators, this concludes my remarks on the Supplementary Estimates (A), and I assure you that the committee will continue its due diligence to ensure that there is both transparency and accountability in relation to the estimates of the government.

• (1620)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, for Senator Maheu, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

STATE OF POST-SECONDARY EDUCATION

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the state of post-secondary education in Canada.—(*Honourable Senator Kinsella*)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, Senator Kinsella intended to speak to this item today. Unfortunately, he had to attend a meeting of the shadow cabinet. Therefore, he begs the indulgence of honourable senators with respect to this matter.

Order stands.

THE SENATE

RULES OF THE SENATE— MOTION TO CHANGE RULE 135—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true

allegiance to Canada.—(*Honourable Senator Corbin*)

Hon. Francis William Mahovlich: Honourable senators, I rise today to support the motion put by Senator Lavigne with regard to senators swearing an oath of allegiance to Canada in addition to the oath we all took when we came to this chamber.

Canada is a country unlike any other in the world, for so many reasons. Our climate is different from one end of the country to the other, our national symbols recognized around the world include beavers and maple leaves, and anyone who truly knows our country knows that hockey is in our blood.

Canada is also special because of our system of government. The people who work in this building are here because they represent the rights and views of Canadians. We, as parliamentarians, represent those who live on Pelee Island, Ontario; Grise Fiord, Nunavut; Beaver Creek, Yukon and Blackhead, Newfoundland — Canada's most southern, northern, western and eastern towns. We also represent all those between these four points.

Senators are appointed to the Senate to represent the individual provinces and territories of this vast country. Without them we would not have a Canada. There are currently one dozen senators who were born outside of Canada — just over 13 per cent of us. In addition to these 12 senators, quite a few have lived outside the country for one reason or another during their lives. Yet, each of them chose either to not relinquish his or her citizenship to Canada or to proactively obtain it.

People become Canadian citizens because they want to be Canadian. According to the 2001 census, more Canadians than ever identified their ethnic origin as "Canadian."

Honourable senators, if we did not support this motion, it would seem that we are ashamed to be Canadian. Being Canadian is something of which we should all be proud. We should gladly affirm our allegiance to Canada when taking office in this historic and nationally recognized institution.

I love this country, and have no shame in saying that, either here today or when taking an oath. When I played in the famous 1972 Canada versus the Soviet Union hockey game, I played with one thought in mind: Canada.

On motion of Senator Rompkey, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: I would advise honourable senators that I am informed, I hope correctly, that all reports have now been distributed.

The Senate adjourned until Wednesday, December 15, 2004, at 1:30 p.m.

CONTENTS

Tuesday, December 14, 2004

	PAGE		PAGE
SENATORS' STATEMENTS		Social Affairs, Science and Technology	
Tributes		Budget and Authorization to Travel and Engage Services— Report of Committee on Study of State of Health Care System Presented.	
The Late Honourable Philippe Deane Gigantès.	509	Hon. Wilbert J. Keon	515
Hon. Sharon Carstairs	509	Study of Legal Issues Affecting On-reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship	
Hon. Terry Stratton	510	Report of Human Rights Committee Tabled.	
Hon. Jeremiah S. Grafstein	510	Hon. A. Raynell Andreychuk	516
Hon. Joyce Fairbairn	510	Human Rights	
Hon. Peter A. Stollery	510	Budget and Authorization to Travel—Report of Committee on Study of International Obligations Regarding Children's Rights and Freedoms Presented.	
The Right to a Healthy Environment		Hon. A. Raynell Andreychuk	516
Hon. Lise Bacon	510	Budget—Report of Committee on Study of Issues Related to National and International Obligations Presented.	
The Year of the Veteran		Hon. A. Raynell Andreychuk	516
Hon. Michael A. Meighen	511	Budget and Authorization to Engage Services— Report of Committee on Study of Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service Presented.	
Women, Peace and Security		Hon. A. Raynell Andreychuk	517
Second Annual Symposium.	511	Budget and Authorization to Engage Services—Report of Committee on Study of Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship Presented.	
The Honourable Herbert O. Sparrow		Hon. A. Raynell Andreychuk	517
Tributes.		Study on Charitable Giving	
Hon. Pierre De Bané	512	Report of Banking, Trade and Commerce Committee Tabled.	
Hon. Francis William Mahovlich	512	Hon. Jeremiah S. Grafstein	517
Citizenship and Immigration		Banking, Trade and Commerce	
Extension of Visa of Bondarenko Family.	512	Budget and Authorization to Engage Services— Report of Committee on Study of Charitable Giving Presented.	
Hon. Wilfred P. Moore	512	Hon. Jeremiah S. Grafstein	518
ROUTINE PROCEEDINGS		Budget and Authorization to Engage Services— Report of Committee on Study of State of Domestic and International Financial System Presented.	
Internal Economy, Budgets and Administration		Hon. Jeremiah S. Grafstein	518
Second Report of Committee Presented.	513	Budget and Authorization to Engage Services— Report of Committee on Study of Consumer Issues Arising in Financial Services Sector Presented.	
Hon. George J. Furey	513	Hon. Jeremiah S. Grafstein	518
Energy, the Environment and Natural Resources		National Security and Defence	
Budget and Authorization to Travel—Report of Committee on Study of Issues Related to Mandate Presented.	513	Budget—Report of Committee on Study of National Security Policy Presented.	
Hon. Tommy Banks	513	Hon. Colin Kenny	519
Official Languages		Hon. Terry Stratton	519
Budget—Report of Committee on Study on Operation of Official Languages Act and Relevant Regulations, Directives and Reports.	514	Aboriginal Peoples	
Hon. Eymard G. Corbin	514	Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Involvement of Aboriginal Communities and Businesses in Economic Development Activities Presented.	
Study on Development and Marketing of Value-added Agricultural, Agri-food and Forest Products		Hon. Nick G. Sibbeston	519
Report of Agriculture and Forestry Committee Tabled.	514	Migratory Birds Convention Act, 1994	
Hon. Joyce Fairbairn	514	Canadian Environmental Protection Act, 1999 (Bill C-15)	
Agriculture and Forestry		Bill to Amend—First Reading	
Budget and Authorization to Engage Services— Report of Committee on Study of Development and Marketing of Value-added Agricultural, Agri-food and Forest Products Presented.	514	520	
Hon. Joyce Fairbairn	514	Inter-Parliamentary Forum of the Americas	
Budget and Authorization to Engage Services— Report of Committee on Study of Present State and Future of Agriculture and Forestry Presented.	515	Visit to Mexican Congress, November 8-10, 2004—Report Tabled.	
Hon. Joyce Fairbairn	515	Hon. Céline Hervieux-Payette	520
Transport and Communications			
Budget and Authorization to Travel—Report of Committee on Study of Media Industries Presented.	515		
Hon. Sharon Carstairs	515		

	PAGE
Canada-United States Inter-Parliamentary Group	
Agricultural Tour for US Congressional Staffers, September 21-23, 2004.	
Atlantic Provinces Chambers of Commerce.	
Hon. Jerahmiel S. Grafstein	520

QUESTION PERIOD

Transport

Airline Industry—Airport Rents.	
Hon. W. David Angus	520
Hon. Jack Austin	520

Foreign Affairs

Zimbabwe—Election Monitoring.	
Hon. A. Raynell Andreychuk	520
Hon. Jack Austin	521

National Defence

Location of New Headquarters.	
Hon. J. Michael Forrestall	521
Hon. Jack Austin	522

Health

Reaction to United States Food and Drug Administration Assessment of the Drug Bextra.	
Hon. Wilbert J. Keon	522
Hon. Jack Austin	522
Monitoring of Inhibitor Drugs.	
Hon. Wilbert J. Keon	522
Hon. Jack Austin	522

National Defence

Moose Jaw—Availability of Search and Rescue Helicopters.	
Hon. Michael A. Meighen	522
Hon. Jack Austin	522
Snowbirds—Maintenance of Aircraft.	
Hon. Terry Stratton	523
Hon. Jack Austin	523

Agriculture and Agri-food

Bovine Spongiform Encephalopathy—Aid to Cattle Industry.	
Hon. Gerry St. Germain	523
Hon. Jack Austin	523

Canada-United States Relations

Bovine Spongiform Encephalopathy— Opening of Border to Beef Exports.	
Hon. Gerry St. Germain	523
Hon. Jack Austin	523

Delayed Answers to Oral Questions

Honourable Bill Rompkey	524
-------------------------------	-----

Finance

Guidelines on Bank Mergers. Question by Senator Angus.	
Honourable Bill Rompkey (Delayed Answer)	524

Transport

Auditor General's Report—Airline Security Charge Surplus. Question by Senator Angus.	
Honourable Bill Rompkey (Delayed Answer)	525

Foreign Affairs

International Atomic Energy Agency—Cutback of Funds for Verification Purposes. Question by Senator Forrestall.	
Honourable Bill Rompkey (Delayed Answer)	525

Transport

Canada-United States Border—Requirement of Trucking Industry to Submit Cargo Information in Advance. Question by Senator St. Germain.	
Honourable Bill Rompkey (Delayed Answer)	526

Agriculture and Agri-Food

Bovine Spongiform Encephalopathy—Effect on Cattle Industry. Question by Senator Tkachuk.	
Honourable Bill Rompkey (Delayed Answer)	526

National Defence

Foreign Ships in Canadian Waters—Protection of Northern Waters. Question by Senator Forrestall.	
Honourable Bill Rompkey (Delayed Answer)	527

Question on the Order Paper

Request for Answer.	
Hon. John Lynch-Staunton	527
Hon. Bill Rompkey	527

Business of the Senate

Hon. Terry Stratton	527
---------------------------	-----

ORDERS OF THE DAY

Appropriation Bill No. 2, 2004-05 (Bill C-34)

Second Reading.	
Hon. Joseph A. Day	527
Hon. John Lynch-Staunton	528
Hon. Noël A. Kinsella	529
Hon. Jack Austin	529
Hon. Donald H. Oliver	530
Hon. Serge Joyal	530

Appropriation Bill No. 3, 2004-05 (Bill C-35)

Second Reading.	
Hon. Joseph A. Day	531
Hon. Donald H. Oliver	532

State of Post-Secondary Education

Inquiry—Order Stands.	
Hon. Terry Stratton	534

The Senate

Rules of the Senate—Motion to Change Rule 135— Debate Continued.	
Hon. Francis William Mahovlich	534

Business of the Senate

The Hon. the Speaker	534
----------------------------	-----



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 28

OFFICIAL REPORT
(HANSARD)

Wednesday, December 15, 2004



THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, December 15, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

ANTI-PERSONNEL LAND MINE BAN TREATY

Hon. Elizabeth Hubley: Honourable senators, Canada put itself at the vanguard of international diplomacy, disarmament and humanitarianism in 1997 with the Ottawa Convention and the historic treaty banning anti-personnel land mines. These defensive weapons on the battlefield kill and maim innocent civilians, primarily women and children, long after hostilities have ended and also cripple the economic recovery of countries that have been at war. The Ottawa Convention was the culmination of years of courageous work by activists, non-government organizations and governments led by Canada's then Minister of Foreign Affairs, the Honourable Lloyd Axworthy.

Recently, Governor General Adrienne Clarkson represented Canada at the Nairobi Summit on a Mine-Free World where the achievements of the Mine Ban Treaty were reviewed and future challenges were discussed. One hundred and forty-four countries have now ratified the Mine Ban Treaty and accepted its legal prohibitions. As a result, millions of stockpiled mines have been destroyed, affected areas cleared and victims and their families have been assisted.

The Ottawa Convention has been a great success, although 51 countries have yet to ratify the treaty and 15 countries, including the United States, still reserve the right to use anti-personnel mines. Clearly there is still much work to be done. Canada played a leadership role in the Nairobi Summit, and it is committed to the 70-point strategy adopted to accelerate efforts over the next five years to destroy stock piles, clear minefields and assist the estimated 300,000 survivors around the world. Government has renewed the Canadian Landmine Fund through 2008, bringing our financial commitment to more than \$200 million since 1997.

Making the world more fully aware of this devastating weapon and its impact on families and communities in the poorest regions of the world is also a great and worthy education mission. Honourable senators, there is neither a grain of nobility nor a brave purpose in hiding a lethal weapon beneath the soil to indiscriminately destroy the life of a child at play.

I want to take this opportunity to commend and congratulate the government and the Prime Minister for continuing to adhere to the Mine Ban Treaty and to promote vigorously the elimination of land mines throughout the world.

HERITAGE

CHILDREN OF MOWACHAHT AND MUCHALAHT FIRST NATIONS—REQUEST TO FUND VISIT TO OTTAWA FOR OPENING OF YUQUOT EXHIBIT

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to advise that, owing to the diligent work of Senator Carney and a modest contribution on my part, the Department of Canadian Heritage and the Canadian Museum of Civilization are undertaking to ensure that five children of the Mowachaht/Muchalaht First Nations have received funding that will assist them in participating in a unique celebration of their culture, which relates to an exhibition of Yuquot culture at the museum in early 2005.

Hon. Senators: Bravo!

THE SENATE FAMILY

EXPRESSION OF APPRECIATION

Hon. George J. Furey: Honourable senators, on the eve of the holiday adjournment please join me in thanking and congratulating those who devote themselves each day to ensuring that the Senate runs smoothly. I would like to begin by thanking senators on the Internal Economy Committee for their hard work and support. As honourable senators know, the Internal Committee has the disagreeable duty of enforcing the rules on resource use to ensure the sound management of public funds. It has the responsibility to ensure that taxpayers' money is used efficiently and responsibly.

[Translation]

I want to thank my predecessor Senator Bacon for her courage and her perseverance in what were often very trying circumstances.

[English]

I express my thanks as well to the members of the Subcommittee on Budgets, Senators Massicotte, Lynch-Staunton and Day, who have the heavy responsibility of evaluating the financial needs of Senate committees and making recommendations on optimizing our limited resources while receiving value for money. I also thank the members of the subcommittee on senators' services; your contribution is essential to carry out our mandate appropriately.

I know that all honourable senators will join me in thanking and congratulating one of the most vitally important resources we have: our employees. We have the good fortune each day to be able to count on a team of committed and experienced employees who are proud to serve this institution, whether in Legislative Services, in Parliamentary Precinct Services, in administration or in our own political offices. Our employees work tirelessly, sometimes under great pressure, and always demonstrate

availability and flexibility that are needed day-to-day. Whether we think of maintenance personnel, security personnel, procedural clerks or the pages, their dedication is equalled only by the pride they take in providing ever better service to this great institution.

• (1340)

I cannot conclude without a special tribute to the support of the Senate's chief administrator, Mr. Paul Bélisle. It is thanks to his work that we have been able to assemble and motivate this wonderful team that we call the Senate family. Thanks in particular to Ms. Lucie Lavoie, who ensures the efficient functioning of the Internal Economy, Budgets and Administration Secretariat. Without her, many of us would be lost.

My best wishes to all for a happy holiday.

ROUTINE PROCEEDINGS

SPECIAL SENATE COMMITTEE ON ANTI-TERRORISM ACT

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That, pursuant to rule 95(3)(a), the Special Committee of the Senate on the Anti-terrorism Act be authorized to meet Thursday, December 16, 2004, even though the Senate may be adjourned for a period exceeding one week.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, I have the honour to present 205 signatures from Canadians in the provinces of B.C., Manitoba, Ontario, Nova Scotia and New Brunswick who are researching their ancestry, as well as signatures from two people from the United States who are researching their Canadian roots. A total of 207 people are petitioning the following:

Your Petitioners call upon Parliament to immediately direct the Chief Statistician of Canada to return care and control of schedules of Historic Census to the National Archivist for subsequent public access in accordance with the Access to Information and Privacy Acts; and

That continued public access of Historic Census Records, without condition or restriction, be insured by amendment to the Statistics Act.

Including the signatures I presented to the Thirty-sixth and Thirty-seventh Parliaments, I have now presented petitions with over 29,550 signatures all calling for immediate action on this very important piece of Canadian history.

QUESTION PERIOD

TRANSPORT

AIRLINE INDUSTRY—RCMP INVESTIGATION OF AIRPORT WORKERS FOR POSSIBLE TIES TO ORGANIZED CRIME

Hon. Consiglio Di Nino: Honourable senators, after a Transport Canada audit of security clearances granted to airport workers to check for ties to organized crime, 73 cases have been forwarded to the RCMP because they have been found to be suspicious or incomplete. This was reported December 12 in the *Ottawa Citizen*.

Pending the final outcome of the RCMP investigation, could the Leader of the Government in the Senate tell us the precise status of those workers being investigated? Have they been suspended with or without pay? Are they still on the job? Have any of them had security clearances revoked?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have any information with which to assist Senator Di Nino today. If I had been given notice, I would have had the opportunity to search. This question requires specific facts. Of course, I cannot give answers that deal with specific individuals, but I understand that the question asks essentially for a broad answer.

Senator Di Nino: I thank the government leader for that answer, and I understand. I look forward to the leader's response at the earliest opportunity, understanding that we may be gone soon for a little while.

AUDITOR GENERAL'S REPORT— AIRPORT BUSINESSES LINKED TO ORGANIZED CRIME

Hon. Consiglio Di Nino: The Transport Canada review was prompted by the Auditor General, who reported on the topic of criminal elements in our airports last March. In the report, the Auditor General also identified 16 current active airport businesses with ties to biker gangs, organized crime and drug trafficking. Beyond studying the issue further, how is the government dealing with this problem?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am best advised to take that question as notice and seek to give Senator Di Nino as comprehensive an answer as I can at the earliest time available to me.

Senator Di Nino: Honourable senators, surely, as a member of cabinet, the leader must have some idea of how the government is dealing with serious and potentially harmful situations in our airports? I am not asking him to divulge cabinet secrets.

Senator Austin: Honourable senators, I am simply not at leisure to discuss cabinet business, as Senator Di Nino well knows. This is an issue that the Deputy Prime Minister has addressed publicly as one of real concern to the government. How I can describe that concern in detail will depend on the advice of her department because that is where the consideration is being given and the factual answers for Senator Di Nino lie.

CITIZENSHIP AND IMMIGRATION

MINISTER'S OFFICE—DISMISSAL OF STAFF MEMBER TIED TO TERRORIST ORGANIZATION

Hon. Marjory LeBreton: Honourable senators, an article in yesterday's *Toronto Sun* stated that a senior staffer in the office of Citizenship and Immigration Minister Sgro was fired last summer because he allegedly had ties to a terrorist organization, the Tamil Tigers. As a result of his affiliation, police have launched a national security probe into the minister's office.

This is unfortunately one of many serious incidents surrounding the minister and her staff in recent weeks. While the Leader of the Government in the Senate cannot answer questions relating to a police investigation, quite rightly, can he tell us if the Prime Minister will allow the scandal at the Department of Citizenship and Immigration to deepen, or will he finally put an end to it and ask for the minister's resignation?

• (1350)

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot answer the question as to what the Prime Minister will do. I am only in a position to answer questions related to what the Prime Minister has done. It is not possible for me to deal with a hypothetical question of that nature.

I have seen the story that was in the *Toronto Sun* on December 14, and anticipating that I might receive a question, I have asked for whatever information can be given but have not yet been supplied with any material.

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER

Hon. Marjory LeBreton: Honourable senators, I have a supplementary question.

As is well known, the Ethics Commissioner is also investigating the conduct of the minister and her staff. Last week, a House of Commons committee learned that, despite a light workload, the Office of the Ethics Commissioner had to hire outside legal help to conduct his investigation. The Toronto law firm that was hired, Borden Ladner Gervais, has close ties to the Liberal Party. Apparently, the report arising out of this investigation will never be made public.

Is the federal government and the cabinet not concerned about the appearance of a conflict of interest arising from the assistance of a Liberal-friendly law firm in the investigation of a Liberal cabinet minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not know whether Senator LeBreton is serious about her question, but if she is serious then I have to breach my undertaking to Senator Stratton to keep my answer succinct.

The legal fraternity of Canada acts with a very high degree of professionalism. Law firms in this country cannot be identified as being Liberal or Conservative, or anything else. The firm to which the honourable senator refers was headed in my community by Leon Ladner, who was well-known as one of the staunchest of Progressive Conservatives, which was the national party opposite to my own.

I want to make it very clear that lawyers have duties under their own code of ethics with respect to conflict of interest. Lawyers, in accepting a file, are honour bound, duty bound and legally bound to ensure that they do not have a conflict of interest. The whole idea that a law firm can be tied politically is totally without foundation.

GRANTING OF IMMIGRANT STATUS TO INDIVIDUALS UNDER PROTECTION OF CHURCHES

Hon. A. Raynell Andreychuk: Honourable senators, I wish to ask a supplementary question.

Minister Sgro has appeared on television. The interview related to the person who had spent some considerable time under the protection of the church and was being released. In answer to questions about why she reversed her position, Minister Sgro said words to the effect that it is Christmastime and everyone wants to be Santa Claus. Following that comment, the television screen showed Minister Sgro next to this gentleman, with Ms. Catterall on the other side.

Does the government leader believe that the minister's behaviour was appropriate?

In Prime Minister Trudeau's time, coming into Canada was not a right. There were legal and transparent conditions attached to becoming a Canadian citizen, and if an individual complied with the conditions he or she could become a Canadian citizen. In other words, no longer would the immigration system operate on patronage and be open to manipulation. In fact, it would be neutral.

The actions of Minister Sgro, as well as her words yesterday, are a signal around the world that if you are a Liberal you might get in. If the minister's reversal on her position came about because she felt in the Christmas spirit, then she is at odds with what the Liberal Party had in mind when it instituted some excellent procedures for our immigration and refugee system.

Will the government give an undertaking that this kind of conduct will not continue and that the act will rule on behalf of the people and not be part of any process?

Hon. Jack Austin (Leader of the Government): Honourable senators, I receive this question from Senator Andreychuk with a bit of surprise, because she has usually asked questions in this chamber that deal with compassion and humanity. Today, she is dealing with laws, rules and regulations.

We have an excellent immigration system, but it also includes within its normative conditions the opportunity to give consideration to issues of human compassion. The minister has the legal right to exercise her discretion with respect to such issues.

One such issue was discussed in this chamber last week, with respect to the Bondarenko family, who were not entitled to remain in Canada. In that case, Senator Moore asked for compassionate permission for temporary leave for the family to stay in Canada. That leave was granted by the minister, and this chamber applauded the announcement that that act of compassion was given.

With respect to individuals who have positioned themselves under, to use the phrase of Senator Andreychuk, the protection of the church, Senator Andreychuk well understands that there is no legal standing for them. However, all governments have been reluctant to tread across the sanctity of the church, although it has been done from time to time in circumstances thought appropriate.

The Minister of Immigration sought discussions with church authorities to determine whether an agreement or understanding could be arrived at in dealing with individuals who were within the precincts of the church, and some progress was made there.

With respect to the case that Senator Andreychuk refers to specifically, I should like to quote Reverend Darryl Gray of Union United Church, the church in question, after this decision was announced. He said, "We have always believed that, once the immigration minister had a chance to examine Menen's case for herself, she would recognize that this family merits Canada's compassion and protection."

Senator Andreychuk: The minister's answers to the church issue some months ago were incorrect. She categorically said that there would be no protection in churches, despite pleas from many people to exercise compassion and care in those cases because we were treading into a religious field and thus should tread carefully. The minister did not exercise compassion at that time.

Do we have to wait for Christmas and the minister's largesse to exercise compassion? Surely, compassion has to have some element of justness and reasonableness for all churches and all people who may find themselves under the protection of the church in one form or another. Compassion should not be a matter of a minister saying that it is Christmastime. That statement was a religious one — something we have been cautiously trying to avoid. There are faiths in Canada that do not celebrate Christmas. Beyond that, there are ground rules that apply to terms of compassion.

I thought this was an afterthought. In the interests of so many people who come to Canada, I thought there would be a reasoned response to a compassionate need. If we want to deal with the case in Nova Scotia, we should give tributes to Mr. Cohen, the

lawyer for the Bondarenko family, Senator Moore and a whole host of other Canadians and Nova Scotians who pleaded for the case of that family, and the minister responded. While I wish the minister had responded earlier, I believe that she has now responded to the overwhelming belief held by Canadians that these people should be allowed to stay. That was not what was witnessed yesterday.

• (1400)

Senator Austin: Honourable senators, briefly, I do not agree with the facts as argued by Senator Andreychuk. I believe that the minister, on the advice of her officials, exercised a compassionate judgment in this case. She will continue to discuss with various religious authorities conditions under which people who seek the protection of the church should be the subject of compassionate leave or removal from Canada to comply with the rules to which Senator Andreychuk referred regarding immigration.

The situation with respect to immigration does give rise to popular appeals. Senator Andreychuk raised interesting questions, namely, when compassion should be based on popular appeals; and is compassion, by definition, something that is raised by popular appeals or is compassion to be found in other aspects of the circumstances.

HEALTH

ILL EFFECTS OF CONTRACEPTIVE DEPO-PROVERA—PARLIAMENTARY REVIEW— AID TO USERS

Hon. Mira Spivak: Honourable senators, women in Canada and the United States were alarmed by the warning late last month of a serious health risk to those who had been using the long-acting injectable contraceptive drug Depo-Provera. The drug's maker, Pfizer, issued letters saying that the drug may cause a significant loss of bone mineral density, that the loss increases with duration, and that it may not be completely reversible.

Unfortunately, the warnings came as no surprise to women's health groups who, in the early 1980s, were raising concerns about Depo-Provera. In 1988, then Health Minister Jake Epp announced that its long-term safety had not been demonstrated, and it would not be approved for use in Canada. In 1991, a coalition of these women groups wrote to then Minister Benoit Bouchard stating studies had shown increased cancer risk and others that showed a decrease in bone density.

Nevertheless, the drug was approved six years later, and now women, including some very young women, must pay the price, because the drug was widely promoted to them by health professionals. Now women are asking that some important steps be taken to help everyone learn from this tragic error.

Does the government support the call from women's groups for parliamentary hearings to review the approval post-marketing surveillance and use of Depo-Provera, and will it make full disclosure?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am most interested in Senator Spivak's question. I think it falls into two parts. Government intervention is not the only way a parliamentary debate on this subject can be launched. Senator Spivak could launch an inquiry here, and we could support that inquiry and allow the Standing Senate Committee on Social Affairs, Science and Technology to delve into the topic.

With respect to what information the government would provide, if the inquiry is launched, or in contemplation of the inquiry, I could undertake to make inquiries of the Department of Health in that regard.

Senator Spivak: Given that we have been led down the garden path with respect to so many drugs that consumers took for granted were good for them, and that turned out not to be good for them, the leader's suggestion is one method of proceeding, but it is a slow one.

Would the government support programs to inform and care for women who have unwittingly used this drug? This is not a precedent. This has happened before. Health Canada assured everyone that this drug was safe.

Senator Austin: Honourable senators, I will advise the Minister of Health personally of the questions of the honourable senator and seek to reply by letter as soon as I am in a position to do so. She may then raise the question again.

REACTION TO UNITED STATES FOOD AND DRUG ADMINISTRATION ASSESSMENT OF THE DRUG BEXTRA

Hon. Jack Austin: While I am on my feet, if I may, I would reply to a question asked yesterday by Senator Keon regarding the drug Bextra, which was first approved for the Canadian market in 2002 for the treatment and symptoms of arthritis and relief of menstrual pain.

Health Canada issued an advisory to health care professionals in December 2002 and published a summary article in January 2004 warning of rare but serious skin and hypersensitivity reactions associated with Bextra, and Bextra thereafter labelled the drug to reflect these risks.

To date, Health Canada advises me that they are not aware of evidence to indicate that long-term use of Bextra by arthritis patients is associated with an increased risk of heart and stroke problems equivalent to those recently linked to Vioxx. Recent information from the manufacturer discloses a study showing increased cardiovascular risk when Bextra was used following high-risk heart surgery, but not other types of surgery. Bextra is not approved for use in any surgical setting in Canada.

NATIONAL DEFENCE

DEFINITION OF "WEAPONIZATION OF SPACE"

Hon. J. Michael Forrestall: Honourable senators, the Prime Minister of Canada says he wants a written assurance from the United States or an undertaking in some other convincing form that a missile defence program will not result in the

weaponization of space. I would equate that possibility with what happened over 2000 years ago with the first use of gunpowder.

As the Leader of the Government in the Senate knows, what is in international treaty law is in, and what is out is out. The government must be specific. Could the leader define for this chamber exactly what the government's definition of "weaponization of space" is, how it is defined, and by what international mechanisms or groupings would we understand it?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Forrestall is asking for details about a negotiation that has not yet been concluded. The Prime Minister has made it clear that Canada wants to understand what the United States has in mind with respect to Canadian participation in a missile defence system. That system has to provide Canada with the kind of information that will protect our sovereignty and allow us full knowledge of the nature of its development.

The Prime Minister has also said that, should we join and subsequently it became clear that the program was moving in the direction of weaponization of space, then Canada would withdraw from that program. We do not support any measures to install weapons in space.

Senator Forrestall: Is the minister suggesting to us that the government on this question, led by the Prime Minister, is happy and accepting of a situation that leaves Canadians in the dark, as he approaches some kind of a deadline with our friends and allies to the south with respect to this question? Will he at least tell Canadians what the Canadian side of the story is all about? What do we understand "weaponization" to mean?

Senator Austin: Honourable senators, as Senator Forrestall knows, the government has undertaken to sponsor a debate on this subject in the other place, and it is also available to us, if we wish, to engage in a debate. Pending that debate and the advice that Parliament may give to the Prime Minister, other decisions will be taken.

• (1410)

AGRICULTURE AND AGRI-FOOD

AID TO FARM PRODUCERS

Hon. Leonard J. Gustafson: Honourable senators, my question is in relation to the crisis situation in agriculture. The provinces of Alberta, Saskatchewan and Manitoba have now declared many of their municipalities in a crisis situation. The reason is that farmers are unable to meet their land tax bills. Many of them cannot pay their year-end bill, and they are looking toward seeding in the spring not knowing how they will raise the finances to put in a crop. Is the minister aware of what the municipalities have done in relation to the crisis situation and in making the public aware? Has the government paid any attention to what it might do to alleviate the situation?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question is somewhat general in terms of agriculture and the problems in that sector. I will begin an answer, and I know Senator Gustafson can ask a supplementary question.

I am told that, to date, producers have received nearly \$1.5 billion in 2004 through the following government programs. For 2003, the Canadian Agriculture Income Stabilization Program, CAIS, provided over \$390.8 million to producers. In 2004, it provided approximately \$118.8 million in "interims" and \$63.4 million in special advances; \$105 million was paid under the Cull Animal Program; \$597 million has been paid to producers under the direct cattle payment component of the Transitional Industry Support Program; and \$225.7 million has gone out under the general payment element of that program.

With respect to production insurance indemnities, payments for crop losses in 2004 have yet to go out, but producers have purchased more than \$7 billion in coverage for their crops, and current estimates are for \$779.4 million in indemnity payments. This is, in part, in answer to a question that Senator St. Germain asked me yesterday with respect to the cattle part of the program.

If I have not covered the key point that the honourable senator is pressing, I would ask him to continue.

Senator Gustafson: Most of the cattle farmers that I know tell me that they have never received anything. The biggest portion of that money went to the processors.

Senator Austin: It was not from the federal government.

Senator Gustafson: I beg to differ. I ask farmers every day, "Have you ever received anything?" They say, "I never applied for anything and never got anything."

Senator Austin: They never applied?

Senator Gustafson: What we do not need is another bureaucratic nightmare with programs that drag on and on. The best I can see coming out of it is that somebody gets a job.

There is a crisis. The municipalities would not be raising this issue if there was no crisis. The honourable leader knows all the reasons, but probably the major reason is low commodity prices in the grain industry.

Will the minister keep this matter before cabinet? Parliament will soon be in recess for a month or more. The first thing we know, it will be time to seed. It is most important that he keep this matter before the cabinet, the Prime Minister and the Minister of Finance, who comes from the Prairies. It is important that they remain informed as to what is happening out there and remain in touch with the municipalities.

Senator Austin: I will do so. I will provide Senator Gustafson's representations to the Minister of Agriculture and the Minister of Finance tomorrow.

CITIZENSHIP AND IMMIGRATION

GRANTING OF IMMIGRANT STATUS TO AYOUB FAMILY

Hon. Marcel Prud'homme: Honourable senators, in the spirit of Christmas, as was mentioned earlier, I ask the minister to bring to the attention of the Minister of Immigration a real tragedy taking

place in Montreal. It is the case of three members of the Ayoub family living in the basement of Notre-Dame-de-Grâce church in Ms. Jennings riding. They have been there for one year.

The tragedy of that family is that since 1948 it has, almost every two years, been expelled from one camp to another camp to another camp. Senator Pépin has been very active, and I thank her for that. It is the case of a man, Khalil Ayoub, 67 years old, his brother Nabih Ayoub, 69, and his brother's wife, Thérèse Boulos Haddad, who is 62. They are in the basement of a church. Everybody would like to receive them into their house, including me. It is a very sad tragedy. They have lost their appeal for asylum in Canada. I think the time has now come for some member to reactivate this document.

It is sad to see a family leaving their country, Haifa in Palestine, in 1948, and shipped from one camp to another in Lebanon.

I conclude by saying that the situation of the Palestinian refugees in Lebanon is horrible, simply horrible. I am talking about a country that most of us like. There are no rights whatsoever for the Palestinian refugees in these camps. The situation is horrible in every way, shape or form. They cannot work. Considering their age, and in the spirit of Christmas, the New Year and Hanukkah, something should be done for these people, who have the sympathy of everybody in Montreal and everyone who reviews the documentation, including many Liberal members who have been visiting them and have come to the same conclusion.

Hon. Jack Austin (Leader of the Government): Senator Prud'homme is right that Senator Pépin has mentioned this issue to me. I will take the statement of the honourable senator with me and speak to the minister personally about this situation. I do not have any personal knowledge of the situation, but I will be happy to bring the statement of the honourable senator to the minister's attention.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer to an oral question raised in the Senate on December 13, 2004, by Senator Spivak, regarding agricultural workers in China and the situation in Tibet.

FOREIGN AFFAIRS

CHINA—VISIT BY PRIME MINISTER— HUMAN RIGHTS ISSUES

(Response to question raised by Hon. Mira Spivak on December 13, 2004)

Canada is well aware of the problems faced by China's rural workers, and we are doing our part to address these problems through such means as poverty reduction programs administered by CIDA.

Canada is also engaged with China on issues relating to Tibet, including human rights and good governance. Through CIDA programming, we are helping to reduce poverty in Tibet and assisting China to better protect the rights of its citizens through improvements in its rule of law and implementation of its international commitments.

The Prime Minister will be addressing a broad range of issues during his forthcoming visit to China, including those relating to equitable economic development, human rights and good governance in Tibet and the rest of China. The Prime Minister understands that these are issues Canadians care about, not just in China, but in a global context. Canada believes that direct engagement with the Chinese Government on providing fair and equal economic opportunities, on reducing poverty, and on improving the rule of law and respect for fundamental human rights, is the best way to work toward achieving those goals.

QUESTION ON THE ORDER PAPER

REQUEST FOR ANSWER

Hon. John Lynch-Staunton: Honourable senators, is there any progress on my question of yesterday?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have asked about it and the department is providing the answer because it is a question on the Order Paper. It is not within the leadership office. We try to do our best. I have asked them to put a rush on it. We are trying to get the mills of the gods to run a little more quickly.

[Translation]

ORDERS OF THE DAY

APPROPRIATION BILL NO. 2, 2004-05

THIRD READING

Hon. Joseph A. Day moved that Bill C-34, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005, be read the third time.

Motion agreed to and bill read third time and passed.

• (1420)

APPROPRIATION BILL NO. 3, 2004-05

THIRD READING

Hon. Joseph A. Day moved that Bill C-35, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005, be read the third time.

Motion agreed to and bill read third time and passed.

[English]

BILL TO CHANGE BOUNDARIES OF ACADIE—BATHURST AND MIRAMICHI ELECTORAL DISTRICTS

SECOND READING—ORDER STANDS

On Order No. 3:

Second reading of Bill C-36, An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I wonder if I could ask the Deputy Leader of the Government about this government bill. It is affecting my province. I do not know why the government is neglecting to commence second reading on this bill. We are ready to deal with this bill at second reading. My understanding from a communication I received from the Deputy House Leader in the other place, Mr. Bélanger, was that they wanted this bill to proceed. It proceeded rather quickly through the other place. I said, "The opposition will be very happy to be cooperative, but it takes the government to initiate the debate."

I do not understand why the government side is not proceeding with the bill.

Hon. Jack Austin (Leader of the Government): Honourable senators, I should like to inquire of Senator Kinsella whether he is agreeable to proceeding with this bill without sending it to committee.

Senator Kinsella: Absolutely not.

Senator Austin: Then there is no reason to proceed with this bill today. If we cannot send it to committee, the committee to which we would send it would not have time to report tomorrow.

Senator Kinsella: In my respectful opinion, that is somewhat of a non sequitur. Second reading debate is about the principle of a bill. I am interested in hearing the argument of the government as to the reason it supports this bill in principle. We cannot be informed of the position of the government on the principle of this bill because there was no debate in the other place at second reading.

Some Hon. Senators: Shame!

Senator Kinsella: There was no position and, thus, no report and no third reading debate. Nothing happened in the House of Commons that would inform us as to the Government of Canada's view on the principle of this bill.

I have heard serious views, as senators can appreciate, coming from the province where two of these ridings are impacted by this proposed legislation. To the extent that I represent the province of New Brunswick, I am eager to engage in this debate to learn what is the principle. Having heard the debate on the principle of bill and if the bill is adopted at second reading, then the committee will have time to reflect upon the details. Bill C-36 deals with a serious matter. It affects the franchise of people in the ridings of

Acadie—Bathurst and Miramichi. There is no partisan interest because Acadie—Bathurst is in the hands of the NDP and Miramichi is in the hands of the Liberals. The exchange taking place is between these two ridings, and there are some serious principles as to how electoral districts are defined.

Senator Austin: Honourable senators, I have no problem whatsoever with respect to the merits of this bill and it being examined with great care, as is suggested by Senator Kinsella. However, the issue that he raises that is relevant at this moment is a procedural one. The situation as we see it today is that there is no purpose in beginning a debate on the principle of this bill if it cannot be dealt with before the Senate rises this week — that is, if we rise this week — or next week.

What is required is debate in this chamber on second reading, and we do not know how long that will take. Presumably, the bill will then be sent to committee. We do not know how long that will take.

Senator Lynch-Staunton: Why not start the debate?

Senator Austin: Given the moment, there is no urgency to deal with this bill, although the government would greatly favour its passage before rising for the Christmas holidays.

Senator Lynch-Staunton: There is no urgency, but pass it quick.

The Hon. the Speaker: I take it this order is to stand, honourable senators.

Order stands.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 15, 2004

Sir,

I have the honour to inform you that the Honourable Louise Charron, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 15th day of December, 2004, at 5:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[Senator Kinsella]

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees) presented in the Senate on December 14, 2004.—(*Honourable Senator Furey*).

Hon. George J. Furey: Honourable senators, the report before you approves the requests made by committees for their study of legislation. I am happy to inform colleagues that all of the submissions received were approved.

Honourable senators, I move the adoption of the second report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1430)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL— REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO MANDATE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—release of additional funds (study on issues related to its mandate)—power to travel) presented in the Senate on December 14, 2004.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Gerald J. Comeau: Honourable senators, Senator Furey was perfectly right: The previous report dealt with legislation and this one deals with orders of reference. I wish to take this opportunity while we are on an order of reference of one of the committees to map out the fact that the Standing Senate Committee on Fisheries and Oceans had requested an order of reference to study the impact on coastal communities of the privatization of fish resources. We had zeroed in on the Pearce-McRae West Coast report and the proposal for a new licensing framework on Canada's East Coast. Both reports proposed privatization or what some people call "corporatization" of the resources.

The impact of privatization on coastal communities will be profound, devastating and irreversible. The handover of the fisheries resources to private interests without a parliamentary debate, without providing communities an opportunity to express their concerns, is wrong. Parliamentarians have an obligation to reflect on this matter.

In British Columbia, the solution being proposed is to remove fish from a common property resource pool and turn it into private property by way of individual transferable quotas, which I will refer to as ITQs.

According to the United Fish and Allied Workers Union that appeared before the committee last week, "in all likelihood this action is contrary to the Constitution and seems to have happened without any debate in the House of Commons. Surely assigning property rights to fisheries deserves having a light shone on it by Canada's lawmakers."

Honourable senators take pride in claiming to be the voice of the under-represented, the underdog and the disenfranchised. The Senate claims to represent the interests of the regions, but yesterday the Internal Economy Committee report turned its back on coastal communities. The budget report demonstrates that the impact of privatization on coastal communities is not worth a proper study, let alone any kind of study. Coastal communities, according to the Internal Economy Committee, are not important and not worth the Senate's consideration. In effect, the Internal Economy report is saying that the DFO is right and coastal communities are wrong.

It has been brought to my attention that apparently Senate budgets are now being evaluated based on their capacity to attract headlines. This is the new Senate where Central Canadian newspaper headlines and public relations are more important than providing a voice for minorities, the underprivileged and the under-represented. This is the Senate of flash and sizzle, a mirror image of the House of Commons, poll-driven, attention-grabbing and urban-focused. This is where the budgets will be directed.

Headlines in *The Globe and Mail* and *National Post* are what drive the budget agenda now. Latch on to the reporters and you have got it made. The new motto is "No flash! No cash!"

I would like to provide a brief summary of the Fisheries and Oceans Committee work plan so that honourable senators will know what we had proposed.

For the remainder of this year and next, we had proposed travel outside and within Canada. The reason we did this is DFO has been promoting for a number of years the New Zealand fishery as the ideal model for the future of Canada's fishery. New Zealand privatized some years ago. It has a sizable percentage of its quota reserved for the Aboriginal population. Because New Zealand is the model for Canada's future, our committee believed it would be extremely useful to study the benefits, disadvantages, and the impact on people and communities of the New Zealand model. This was a real life situation. It was like getting into a time machine and going into the future of what Canada's fishery will be all about.

New Zealand operates under what they call a quota management system, or QMS, that is based on ITQs. Since 1986, when the QMS was introduced, the system has been described as either heaven or hell in the fisheries debate. For most classical economists, the Department of Fisheries and Oceans and right-wing think tanks, the ITQ system in New Zealand is presented as a solution to inefficient state management. Social scientists and biologists, on the other hand, consider the system as a recipe for community dislocation, uneven income distribution, and unsustainable fishing. What is happening in New Zealand would give us a picture of what will happen in Canada.

First, I would like to speak about the workers. Since privatization, New Zealand allows fishing companies to hire foreign workers, such as Vietnamese and Indonesians, at starvation wages. Some are paid less than US\$200 a month to work on the trawlers. Living conditions and hygienic standards on the trawlers are described as "socially unacceptable." There are long hours. The workers are subordinated and mistreated at sea. Vulnerable people from the poorest regions of the world are housed in the most atrocious conditions and they are paid like dogs.

For their business practices, the New Zealand privatized fishery makes charter arrangements. It charts out to such outfits as Ukrainian fishing trawlers.

On the question of ownership, New Zealand is currently looking at allowing foreign ownership of the majority shares of its fish companies. This is a natural extension of privatization and corporatization. It is a corporate fishery. This is where Canada is heading.

When the quota system was introduced in 1986 in New Zealand, it was believed that quota ownership would act as an incentive for resource users to manage the resource responsibly. In practice, the evidence suggests that this has not happened. In 1999, the New Zealand Parliamentary Commissioner for the Environment concluded:

There is little evidence yet to suggest that —

— the QMS —

— is delivering sustainable management of fish stocks or the marine ecosystem they inhabit... The dominance of the private property rights approach has, to differing extents, excluded the values and priorities of...recreational users, local residents groups and other concerned groups from policy and decision-making processes.

As well, of the 236 or so commercial stocks managed by the New Zealand quota management system, the population size is only known for about 15 per cent of them. Half of the 35 fish stocks for which population estimates are available are known to be depleted below sustainable levels.

Over the last 20 years, fish stocks — populations of orange roughy, oreos, snapper and rock lobster — have been severely overfished. Some fish stocks have been reduced to just 3 per cent of the unfished size.

According to the Royal Forest and Bird Protection Society of New Zealand, that country's largest national conservation organization, New Zealand's largest fishery, the hoki fishery, has been on the decline for some years. The annual catch limit was reduced from 250,000 tonnes in the 2001-02 season to 180,000 tonnes for 2002-03. The recorded catch for 2001-02 was 200,000 tonnes.

For the orange roughy, the country's most valuable export fish, which is equivalent to the cod stocks off Newfoundland, quotas have also seen drastic reductions. Most orange roughy stocks are reportedly below 20 per cent of their original size. One stock is at just 3 per cent and may take decades for the depleted populations to recover, if ever.

Honourable senators, all of this is happening under the private-corporate system that is being proposed for Canada.

The Standing Senate Committee on Fisheries and Oceans concluded that this subject matter was worth studying. The Internal Economy Committee did not agree that there was a useful purpose in looking at the impact of corporatization in other jurisdictions.

• (1440)

If the Internal Economy Committee believes that reviewing the experience in the New Zealand situation is not important, then so be it. We accept that. That being the case, why would Internal Economy not provide for at least the opportunity for our committee to meet with our own coastal communities in Canada, as outlined in our proposal, in order to give coastal communities a voice? Again, Internal Economy responded in the negative to that suggestion.

The Internal Economy Committee has completely gutted Fisheries Committee's plan. The Senate passed our mandate to study the impact of the Pearce-McCrae report on the East Coast framework, but Internal Economy is now saying that this study is only worth the equivalent of one of the Defence Committee's many consultants. Privatization is being promoted to manage the salmon fishery in B.C., which is something that requires sober second thought but, according to Internal Economy, this is not important.

There are two opposing sides on the question of privatization in Canada. One side is not being heard, and that side is made of the people of coastal communities being disenfranchised, the crews on fishing vessels, Aboriginal communities and particularly the Inuit of the North who have to observe this sudden corporate interest in fish adjacent to their shores while they look on from the shore without jobs. On the other side, we have the DFO mandarins and the right-wing think tanks funded by U.S. based right-wing foundations like the Donner Foundation. We have central Canadian newspaper editors and classical economists who genuflect to nineteenth century economic theory.

In Canada, towns like Canso, Nova Scotia, have suffered the results of corporate fishery. As the Chair of Internal Economy would probably know, towns like Harbour Breton, Newfoundland are being shut down, while FPI decides where to move its quotas. Other Newfoundland towns to be impacted are Fortune and Marystown, which may soon be on FPI's chopping block. Towns like Surrey, P.E.I., now question the value of ITQs. Coastal villages in the North in areas well known to Senator Adams and Senator Watt are looking from the shore at southern interests fishing their quotas, and with respect to towns up and down the coast of British Columbia and Vancouver Island, coastal communities quite familiar to Senator Austin, the Pearce McCrae report is proposing privatization and corporate interests. Apparently these towns do not deserve to be heard, based on the non-budget allocated to the Fisheries Committee. In fact, Fisheries' budget was not even in its report.

Welcome to the new Senate. This is a far different institution. We will no longer be able to go to our little "red book," so I will probably recommend to the communications people that we delete a number of the provisions contained in it, starting with the part that states that one role of the Senate is to give minority communities fair representation in the Senate. Let us delete that from the book.

I turn now to interest-based constituencies. It was said that senators are able to take a focused approach to the needs of a variety of professional and vocational interests in our social fabric, thus knitting together national constituencies of people who might otherwise have an inadequate voice in Parliament. Mention is made of rural communities, so we can scrap that.

We can also delete the part that states that, perhaps less well known is the influential and hard work many senators do for the more marginalized in our society. Scrap that.

We should also get rid of the part that states that the Senate has the capacity to examine issues in greater depth, issues that the House of Commons sometimes overlooks in the passion of politics. This is no longer applicable in this new Senate. It refers to issues that do not arise in the House of Commons. Let us scrap that because we are only looking for sizzle and flash. This is the new Senate that is proposed by the budget reports of yesterday.

If this is the kind of Senate that we want, by all means, go ahead, but I leave it up to you to make the decision. Is this the right thing to do? Are we doing the right thing? Will we be another House of Commons looking around for cheap and fast headlines, or will we really be the voice of coastal and rural communities that need our voices and our help at this time in their history?

Senator Banks: Will Senator Comeau accept a question?

Senator Comeau: Certainly.

Senator Banks: I found, as I am sure we all did, everything Senator Comeau had to say interesting. The motion before us, however, has to do with the budget of the Standing Senate Committee on Energy, the Environment and Natural Resources. I am sure the senator's remarks were not made to denigrate the

work of that committee. I looked in vain at the list of motions present having to do with the budgets for committees to find the budget motion for the Fisheries Committee, and unless I have a bad copy, there is not one. Can Senator Comeau tell us why that is so?

Senator Comeau: Honourable senators, I would be most pleased to do so. The Fisheries Committee will have to look at the proposal being put forward by Internal Economy, which amounts to a grand total of \$18,000. That is what the Internal Economy Committee of the Senate of Canada is reserving for the value of the one of the most spectacular changes ever being proposed since the Magna Carta, for crying out loud, since the common property resource was instituted in 1215.

Right now, in Canada, the Department of Fisheries and Oceans is proposing to privatize these common fish stocks. Our Fisheries Committee wanted to examine this, and the Internal Economy Committee responded by saying that it would give our committee a budget which would be the equivalent of one of the Defence Committee's consultants. That is what your committee is worth. That is why there is no Fisheries Committee budget before this chamber. The committee will have to meet to discuss the ramifications of this Internal Economy report. Does the Fisheries Committee have a future in this place? That is why there is no budget motion before the house.

I took this opportunity to speak because it was the first opportunity to do so under Reports of Committees. My comments have nothing to do with the committee which Senator Banks chairs.

The Hon. the Speaker: Senator Comeau's time has expired. It is up to him to request additional time. Leave is not being requested.

Hon. Charlie Watt: Honourable senators, I should like to endorse the remarks and comments made by the Chairman of the Fisheries Committee regarding the lack of focus, if I can put it in that fashion.

Honourable senators, we are at a crossroads. We have troubled seas, and we have known that for a number of years. The cod stocks disappeared not too long ago, and our coastal communities have been impacted by that. I am not referring only to Aboriginal people, I am also talking about the coastal people in the Maritimes.

Unfortunately, the Government of Canada, or DFO, decided to move in the direction of privatizing the fishery. Honourable senators, this is the wrong time to do that. The resources of the sea are in trouble. Knowing that, why are we moving in the direction of privatization? What will happen now? We have already lived through one experience wherein a lack of awareness on the part of the DFO put us into a predicament, and I believe we are moving in that same direction again. We will not be able to recover the resources, and we will continue to live with a troubled sea.

Honourable senators, we need money to do our work. We should at least learn from the other countries that have lived through this experience — gone through this system. That is what

the committee was planning to do. However, with the limited budget that has been approved for the committee, I do not think we will be able to conduct our study in a thorough fashion.

• (1450)

If there is no other way to rectify this matter, I would like the leadership here to take the matter to the cabinet and ensure that proper consultations take place.

If they are still serious about privatizing the fishery — the coastal communities need the quotas. If they do not have the quotas, how will they survive? Will social assistance programs delivered by the government be enough?

Much information needs to be collected in this area. I would encourage the Senate to restore the funds the committee asked for, or the leadership to take the matter to the cabinet to stop the nonsense that has taken place.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[Translation]

OFFICIAL LANGUAGES

BUDGET—REPORT OF COMMITTEE ON STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Official Languages (*budget—study on the application of the Official Languages Act—power to hire staff*) presented in the Senate on December 14, 2004.

Hon. Eymard G. Corbin moved that the report be adopted.

He said: Honourable senators, I do not intend to make any comments. The report is fairly straightforward. I think we could dispense with comments. If there are any questions, I will of course answer them.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Agriculture and Forestry (budget—study on value-added agricultural, agri-food and forest products—power to hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Donald H. Oliver: Honourable senators, I move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion for the adjournment of debate on Order No. 5 under Reports of Committees on the Order Paper, please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “nays” have it.

No honourable senators rising, the motion fails.

I will put the question.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I would like to know which motion we will be voting on.

[English]

The Hon. the Speaker: Senator Robichaud’s point is well taken. We are now on Motion No. 5, a motion to adjourn the debate on that motion having been defeated.

I believe we are at the point where a senator may speak to the motion.

No honourable senator rising, I will now put the question.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of agriculture and forestry in Canada—power to hire staff and travel) presented in the Senate on December 14, 2004.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

Motion agreed to and report adopted.

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (budget—release of additional funds (study on current state of Canadian media industries)—power to travel) presented in the Senate on December 14, 2004.—(*Honourable Senator Carstairs, P.C.*)

Hon. Joan Fraser, for Senator Carstairs, moved the adoption of the report.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, could I ask the chair of the committee to explain the item in the budget for professional and other services? The amount being asked for is \$176,128. For transportation and communications, \$181,761 is being requested. Could the honourable senator provide an explanation of what transportation costs are being envisaged and what is meant by “communications” within that amount of \$181,000?

Senator Fraser: Honourable senators, this committee hopes to travel to Western Canada for the week beginning January 31, which is the first week that we expect the Senate to resume sitting. That trip would be to Vancouver, Calgary, Regina and Winnipeg to hold public hearings on our study into the news media. The cost of that trip in total would be nearly \$166,000.

We hope to do a two-day fact-finding trip to Washington in March, I believe, which would cost \$60,000. The reason for that trip is that the American regulatory authorities have been grappling with many of the issues that have come before our committee and we thought it would be very helpful to hear their point of view. As well, we are engaging a special adviser who has already done a great deal of work for this committee, in particular in connection with the writing of its interim report. He is an expert on communications issues. He has worked with other committees’ studies both in this place and in the other place. We

hope to do some research on Canadians' usage of and confidence in the news media, because this study has been undertaken to serve the Canadian public. That cost is about \$70,000. Some research studies of a more technical nature, some bibliographic, would total \$25,000. I hope that answers the question of the honourable senator.

• (1500)

Senator Kinsella: I thank the honourable senator for that helpful response. With regard to the Washington trip, for example, the budget is expected to cover expenses for all members of the committee travelling. How many support staff, beyond the 12-member committee, are included in the budget?

Senator Fraser: The Clerk of the Committee, one researcher and, I believe, two interpreters will go to Washington. I apologize to the honourable senator that I do not have that number at my fingertips, but we would take the appropriate number.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO TRAVEL AND ENGAGE SERVICES— REPORT OF COMMITTEE ON STUDY OF STATE OF HEALTH CARE SYSTEM ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on mental health—power to travel and hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

INTERIM REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Human Rights, entitled: *On-Reserve Matrimonial Real Property: Still Waiting*, tabled in the Senate on December 14, 2004.—(*Honourable Senator Andreychuk*).

Hon. A. Raynell Andreychuk moved the adoption of the report.

She said: Honourable senators, I wish to spend a few moments on this tabled report and ask for the approval of the Senate. There was some urgency in this matter because we wished to send a signal to both the Minister and the House of Commons.

The Standing Senate Committee on Human Rights, in its last session, studied the subject of on-reserve matrimonial real property on the breakdown of marriage or common law relationships and the policy context in which they are situated. In its November 2003 report, *A Hard Bed To Lie In: Matrimonial Real Property On-Reserve*, the committee found several solutions to the problems that occur when marriage breakdown or partnership breakdown occurs on reserve. Compelling cases were heard of individuals who have suffered emotional, financial and personal harm due to these situations.

For on-reserve women who hold no interest in their family homes, there is no choice as to who has to move when breakdown occurs. I quote from the forward in the 2003 Senate report as follows:

It is the woman and, in most cases, it is the woman and her children. What a choice: be homeless or be in a loveless relationship, maybe an abusive relationship. Is that what Aboriginal women deserve? No, it is not. Is it humane? It is definitely not.

At that time, the committee put forward possible short-term and long-term solutions to address this outstanding problem. Despite many acknowledgements of the injustices from both federal and Aboriginal leaders, progress has been slow.

When the new Parliament convened on October 4, 2004, the Standing Senate Committee on Human Rights decided to call on the Minister of Indian Affairs and Northern Development to inform the committee as to what government action had been taken on this compelling issue. He stated that, while he valued the contribution of the Senate committee, he would be proposing that the next steps be taken by the House of Commons. It was our understanding that he wished the House of Commons to conduct the consultation with the Aboriginal community because he believed that bringing legislation in immediately without this consultation would leave the legislation in jeopardy because of a minority government.

The Standing Senate Committee on Human Rights expressed its concerns on several issues. First, the ultimate agreement would have to be reached between the Aboriginal leaders and the federal government, in consultation with provincial governments, if any consultation were to be effective. Second, the committee did not want these consultations to lead to more analysis, assessment or even further consultations. It is time to act and one wonders how a House of Commons committee can bind either the executive or the Aboriginal community.

Therefore, so that this phase can be effective, your Standing Senate Committee on Human Rights is recommending that there be precise time limits, a precise mandate and a consultation that will include Aboriginal people on the ground: Aboriginal women who have been affected, Aboriginal women's organizations and

the Aboriginal leadership in various communities. The committee strongly believes that to simply consult the Aboriginal organizations and the leaders of these organizations would not be sufficient. Many witnesses who appeared before the committee's initial hearings indicated that they did not necessarily share the opinions expressed by Aboriginal organizations and community leaders. The voices of women need to be heard.

A further recommendation of the committee is that the Standing Senate Committee on Aboriginal Peoples should be involved in the consultations by way of a joint committee, or at least in consultation with the House of Commons committee, or as expert witnesses. Certainly, the expertise on this issue in the Senate should not be ignored. Utilizing the expertise of our committee would likely avoid further delays in remedying this inequality. While the committee did not question the political will from the federal, provincial or Aboriginal governments and leadership to arrive at a solution on this problem, the inertia is more obvious than the action.

The minister agreed with the Human Rights Committee that there is an injustice and, therefore, there is no further need to study the human rights aspects. In particular, Aboriginal women and children are being denied the benefit of the Charter of Rights, perhaps international law as well, and Canada cannot take pride in its protection of the human rights of Aboriginal women and children until this is remedied. Therefore, the committee is asking that its order of reference from the Senate on November 3, 2004 be extended to the end of 2005, so that the committee can continue to monitor the situation to ensure that timely progress is made. If we do not do so, we will not be living up to our fiduciary responsibility or to the obligations of the Senate.

• (1510)

Honourable senators, I urge you to adopt this report.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO TRAVEL—
REPORT OF COMMITTEE ON STUDY
OF INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS ADOPTED**

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Human Rights (budget—release of additional funds (study on Canada's international obligations in regard to the rights and freedoms of children)—power to travel) presented in the Senate on December 14, 2004.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET—REPORT OF COMMITTEE ON STUDY
OF ISSUES RELATED TO NATIONAL AND
INTERNATIONAL OBLIGATIONS ADOPTED**

The Senate proceeded consideration of the sixth report of the Standing Senate Committee on Human Rights (budget—release of additional funds (study on issues relating to human rights) presented in the Senate on December 14, 2004.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF CASES OF ALLEGED DISCRIMINATION
IN HIRING AND PROMOTION PRACTICES
AND EMPLOYMENT EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE ADOPTED**

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Human Rights (budget—study on the Federal Public Service—power to hire staff) presented in the Senate on December 14, 2004.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW
RELATIONSHIP ADOPTED**

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Human Rights (budget—study on an invitation to the Minister of Indian and Northern Affairs—power to hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON CHARITABLE GIVING

**REPORT OF BANKING, TRADE
AND COMMERCE COMMITTEE ADOPTED**

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *The Public Good and Private Funds: The Federal Tax Treatment of Charitable Giving by Individuals and Corporations*, tabled in the Senate on December 14, 2004.

Hon. Jeremiah S. Grafstein moved adoption of the report.

He said: Honourable senators, yesterday I had the privilege to table the Banking, Trade and Commerce Committee's fourth report, entitled *The Public Good and Private Funds: The Federal Tax Treatment of Charitable Giving by Individuals and Corporations*. I would like to make a few comments.

Canada is a distinct society. Our society is evolving and quickly changing. Government cannot keep up with all of the demands placed upon it by our civil society. Fortunately, the spirit of volunteerism is alive and well across all of our country. We are all volunteers.

We know, however, that volunteerism is not enough. There is a growing demand to provide services to underfunded sectors of our society — health care, the arts, the poor, ecology, education and research. We know government cannot do everything for everybody.

The purpose of our report is very simple: that is, to unleash the charitable spirit of Canadians at all levels of income and all parts of society. It is fitting to do so during this festive season. We want to convey the message to all Canadians. We hope the Canadian public will carefully study this report. If they agree, I encourage them to send a Christmas card to their member of Parliament, to their senator and to the cabinet, to express support for our recommendations.

I would like to thank the deputy chair, Senator Angus, and each and every member of the Standing Senate Committee on Banking, Trade and Commerce who worked quickly, diligently and effectively to review the evidence and produce this unanimous report.

I wish to remind honourable senators that this is an unanimous report by all members, all parties, including our independent colleague, Senator Plamondon. All committee members — Liberal, Conservative, and independent — supported the report and its recommendations. The members of the committee represent all of the regions of Canada. Furthermore, they have a direct personal experience with the charitable sector as volunteers themselves.

This report makes seven recommendations designed to augment charitable giving. The committee is confident that the implementation of the seven measures identified in the report will result in greater charitable giving of all types and sizes to charities and by individuals and corporations at all levels of income and profitability, all the while respecting the taxpayer's dollar. As a consequence, greater benefits will be enjoyed by all.

We wish you all seasons greetings, and end with this thought. The committee believes that it is more blessed to give than to receive. We hope the Senate agrees.

Hon. Senators: Hear, hear!

Hon. Lowell Murray: Honourable senators, I put the report in my briefcase last night intending to read it, but other matters intervened, and I did not do so. I take it from what the honourable senator has said that among the recommendations are proposed tax changes to encourage voluntary donation to charities.

Did the committee hear from people in the Department of Finance, for example? Did the department offer, even in a

ballpark way, a costing of the kind of tax expenditures the committee might have been considering? Is it the hunch of the honourable senator that the recommendations in this report will be welcomed or resisted by the guardians of the federal fisc?

Senator Grafstein: Senator Murray will recognize that the terms of this committee were outstanding. As chairman, I found the terms of reference to be outstanding. I believe, based on the testimony and conversations I had with other members of the committee, that this study was encouraged by the Department of Finance.

The honourable senator has raised the question of tax changes. The committee is recommending a tax deduction from 25 per cent to zero on securities and ecologically sensitive lands. That is one of our major recommendations.

The honourable senator will recall that, in 1997, the House of Commons and the Senate passed a resolution to reduce the capital gains tax from 50 per cent to 25 per cent. A five-year moratorium was put on that, to observe whether it would work. That moratorium passed. In 2002, they made it a permanent part of our tax structure. We have taken the next step and recommend reducing it from 25 per cent to zero.

Under the current scenario, if people are encouraged to give securities, as an example, they have to take a tax bite by taking the capital gains if they want to sell the security, and then take their tax reduction. Our recommendation would remove that. It saves bookkeeping, administrative costs and government costs. We believe that it accelerates the incentive to Canadians to give from their RRSPs, among other things, directly to the charities of their choice.

The cost impact on this in 2003 was \$2.5 billion overall. The estimate for this year is \$1.5 billion, so we are lagging behind 2003 in terms of overall giving.

Canadians pride themselves in being charitable; we believe we are charitable. However, a look at the numbers within the numbers reveals something else: The average amount of giving per capita in Canada is \$220; if you look at the mean, we believe on anecdotal evidence that it is \$40.

• (1520)

That means 25 per cent of Canadians — and that is the total number — get a charitable receipt. That is one-quarter of our population. If one compares it in economic terms to the United States, and this is an invidious comparison to some, we give below 0.5 per cent of our GDP; the United States gives 1.5 per cent, and the United Kingdom gives twice our rate. In comparative terms, we pride ourselves in being generous of spirit but the numbers do not disclose that.

I expect positive support from the government because I estimate that we will unleash another \$1 billion to charities for research, for arts, for all of the things that I suggested, which are in desperate need of funds.

We have made it such that we also appeal to individuals with lower income. Here is one of the problems with charities, which all of us have encountered. If someone gives \$150 to a charity, it costs \$25 to issue a receipt — \$25 of the \$150. That is the anecdotal evidence. We know that at the end of the year, people always complain about the fact that they cannot get their charitable donations.

The United States went through this many years ago and now they allow charitable donations under a certain amount — and we have recommended an amount of under \$250 — if the donor supplies a cheque, a credit card or other suitable documentation as evidence. This recommendation help those charities.

By the way, there are over 80,000 charities in Canada. This recommendation will allow these charities to get on with their work and unleash more money directly to the purposes for which they are established. We do not think there is any downside in this measure; we think there is only an upside.

Senator Murray: Speaking of invidious comparisons, did anyone draw the attention of the honourable senator to the relatively more generous treatment of political donations as compared to donations — I was about to say to other charities — to registered charities? Did the committee members draw any conclusions or make recommendations on that matter?

Senator Grafstein: That is an excellent recommendation. The good news is that the committee has considered a number of these issues. There were a number of issues that Senator Plamondon and others have raised with respect to the administration of charitable foundations. That will be part of the second phase of our study.

The committee's goal was to complete the first phase of the study quickly and efficiently in order to influence the government with respect to its pre-budget analysis. The second phase will deal with all of these questions. I am particularly interested in the question that the honourable senator raised. I assure him that we will give it cogent consideration.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF CHARITABLE GIVING ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on charitable giving—power to hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the present state of the domestic and international financial system—power to hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein: Honourable senators, I move the adoption of the report standing in my name.

Hon. Terry Stratton (Deputy Leader of the Opposition): Is there \$69,000 in there for transportation and communications? Could the honourable senator provide a breakdown as to what is involved in that regard, such as the number of people travelling, the number of support staff? That information would be helpful.

Senator Grafstein: Honourable senators, this sum includes trips to Washington. The number of participants on those trips would be 16 — 12 senators and four staff. The committee is trying to familiarize itself with what is going on in Washington.

Let me tell honourable senators about the impact of financial legislation in the United States that affects us here in Canada. Everything that happens with Mr. Spitzer, who is the Attorney General in New York and who regulates the financial system in New York State, affects us directly in Canada because a number of companies are involved publicly on both sides of the border.

In addition, the Banking Committee has a deep impact on what we do in terms of our competitiveness and so on. What we are trying to do with this particular round, in a very cost-effective way, is to liaise with our sister committees in the United States and take a look at what they are doing, to give us an early warning and to further prepare us for our deeper studies.

The good news is that the chairman of the finance committee in the United States is a very good friend of Canada's. Senator Chuck Grassley is a personal friend of mine. I am sure we will have an important, persuasive and comprehensive review of what they are doing there. We look forward to that meeting.

I want to say something to honourable senators because Senator Massicotte is here. I did an analysis with Senator Massicotte in terms of preparing for my budget. I want to commend him and the committee for doing excellent work on a cost-benefit basis. Senator Day is here; they did excellent work.

The Banking Committee is responsible for surveilling hundreds of millions of dollars. The cost of the Banking Committee, which is responsible under the rules of this Senate chamber for oversight of the financial sector — trade, commerce and banking in Canada — is less than one hundredth of 1 per cent of the federal budget for this particular sector. I think that we are a very cost-effective committee.

Hon. John Lynch-Staunton: Just for clarification, and I will need some refreshing of memory from my colleagues, Senator Massicotte and Senator Day, but I believe that our recommendation as members of the subcommittee to the full committee was not to include the Washington trip for this fiscal year. If I am wrong I will be quickly corrected. Unfortunately, Senator Comeau, Senator Sibbeston and, I believe, another committee had to suffer cutbacks.

I am convinced that our recommendation to the Internal Economy Committee was not to include the Washington trip, and that then was agreed to. We were talking about budgets for this fiscal year only.

Senator Grafstein: We put forward a much more fulsome budget that was substantially reduced. There were a number of trips and the committee's budget was reduced.

Hon. Paul J. Massicotte: Honourable senators, I do not have it with me, but I believe we have a copy of the submission of the request that the committee made for funding. If honourable senators look at the authorities sheet, which I think is the last sheet, the amount is for a lesser one than was requested. The difference between the amounts is the Washington trip, which we refused, and the Internal Economy Committee accepted our recommendation.

Senator Stratton: I am looking at the breakdown of the budgets from the *Journals of the Senate*. It refers to the Ottawa-Washington trip, 16 participants, 12 senators and four staff, for a total of \$59,020. Therefore, where are we in this debate?

Senator Grafstein: I misinformed the Senate. My honourable friends are quite right. That amount is for our budget for the following year. The current budget is \$36,000.

I apologize to all honourable senators. I was making a case for next year.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on consumer issues arising in the financial services sector—power to hire staff) presented in the Senate on December 14, 2004.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

• (1530)

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY—DEBATE SUSPENDED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence (budget—release of additional funds (study on the national security policy for Canada)) presented in the Senate on December 14, 2004.—(*Honourable Senator Kenny*)

Hon. Colin Kenny moved the adoption of the report standing in his name.

He said: Honourable senators, I should like to say a few words about the process that we went through to prepare the budget and the purpose of the study that we have under way.

In order to make the submission that we did to the Internal Economy Committee, we were provided guidance by a letter from Senator Massicotte, from which I will quote selectively. In his letter of November 24 he stated the following:

... we must all ensure our committees and work plans get the special attention and efforts they deserve.

To achieve such lofty objectives, and to assist us in our work, please allow me to reiterate the importance that your work plans for any special projects include your objectives, how you expect to achieve them, how you expect to measure your "success", as well as the expected benefits and impact on public policy and/or Canadians' quality of life.

We all recognize that Senate Committees' special projects must go beyond the production of a well-researched report to achieve its desired public policy objectives. It moreover also requires an effective communication plan and proactive political strategy, often extending well past the publication of any written report. Your plan in this respect should also be discussed in your work plans.

Honourable senators, we went ahead in the usual fashion in preparing the report. We proceeded to examine what had happened with previous committees that had undertaken defence reviews. Perhaps it would be useful, before I go through the steps that we took to respond to Senator Massicotte's request and the subcommittee's request, to describe briefly what we are about in terms of the defence review.

As honourable senators know, we conduct defence reviews in Canada once every seven to 10 years. They are important because they set the defence policy for a long period of time. The last time members of this chamber participated in a defence review was a decade ago, and I can see colleagues like Senator Rompkey, Senator De Bané, Senator Meighen and Senator Forrestall who participated then. That review resulted in a white paper which has represented Canada's defence policy that has lasted now for 10 years.

As those who have been following our reports know, we have a Canadian military in severe distress. We have a military that is underfunded and under-equipped. It has a shortage of personnel and does not have the ability to carry out the assignments that the government has been giving it on a regular basis, so much so that the committee issued a report 18 months ago calling for a pause in all activities of Canadian Forces until such time as they could retrain, re-equip and regroup. I am pleased to say that we have seen some effort at retrenching, but we are faced with a genuine challenge.

In order to adequately prepare for a defence review, we took a look at the work that the previous committee had done a decade ago, and we found that it had a total of 74 meetings and had met for a total of 409 hours to produce its report.

We took a look at the time constraints that were facing us and the fact that we were starting late and came up with a plan that called for 56 meetings, as opposed to 74, and 381 hours of meetings in order to complete the preparations for the report.

The committee collectively developed a work plan that covered a number of issues, which included trying to determine the following: Canada's national interests; the threats Canada had to address; what was required for the threats; the international environment we were going to be working in; the need to review the army, navy and air force; the overall capacity of the Armed Forces working together; the funding made available to the Armed Forces; our current alliances with particular emphasis on NORAD and NATO; our interoperability with the United States military; and our role in the United Nations.

We looked at certain capabilities, such as airlift and sealift capabilities; we looked at joint and combined operations; Canadian Forces transformation; special capabilities such as Joint Task Force 2, the Snowbirds, the disaster response team, the CBRN company, and joint operations in general.

We looked at a plan that would include the following: defence intelligence; defence research; aid to the civil power; the acquisition process that currently goes on in the military; the problems that relate to speaking truth to power; the National Defence headquarters' structure; the current state of the military's infrastructure across Canada; the problems that relate to recruitment and retention; military education, the Royal Military College specifically; the quality of life of military families; the training that currently is in effect for Canadian Forces; and, finally, the reserves.

The committee did this and, as it prepared each one of these, it came up with a list of the witnesses in the work plan that it thought would be useful to have appear to assist the committee in this work.

The committee then took a look at the number of hours available to it and blocked out a work plan starting on October 18, running through every day the committee would be sitting through to June 13, 2005, where it is blocked out hour-by-hour. I would be happy if someone wanted to know what the

committee will be doing on February 28, 2004, because we have a list that the committee has worked through.

I am trying to describe that we endeavoured to come up with a comprehensive work plan for consideration by the Internal Economy Committee. We also wrote Senator Massicotte a letter that reviewed the previous work of the committee, and we provided him, as he requested, with the evidence that the committee had had a substantive impact. In fact, the report that we tabled in this chamber, the 2005 edition of *A Canadian Security Guide: An Update Strategy on Security Problems*, took each of the over 120 recommendations that the committee had made and reviewed each problem that the committee had encountered.

• (1540)

We reviewed the recommendation the committee had made; we reviewed the response the government had made to the committee's recommendation; and then we commented on each recommendation. We were able to demonstrate in the course of doing this that the government had responded to better than 50 per cent of the recommendations that the committee had made over the last three years.

The committee, having come forward with this proposal, then presented it to the budget subcommittee of the Standing Committee on Internal Economy, Budgets and Administration. We had three separate meetings, and it was then subsequently adopted by the Internal Economy Committee.

I would like to give honourable senators our plans for the remainder of the fiscal year. The committee has thus far held meetings in Kingston, Windsor and Toronto. Most notable in Kingston was our meeting at RMC, as well as our efforts for the first time at engaging the public in a different manner by holding a town hall meeting where we took all comers to make representations. The committee also intends to travel to Regina, Winnipeg, Canadian Forces Base Windsor, and then on to St. John's, Charlottetown and Saint John.

Senator Day: You did not have Goose Bay in there.

Senator Kenny: We had a special luncheon on Goose Bay, courtesy of Senator Rompkey, and we also have proposed meetings in Edmonton, Calgary and Colorado Springs.

I should draw to the chamber's attention that the vast majority of the funding we are requesting — and we are requesting a significant amount — comes close to slightly in excess of \$650,000, the total between this report and the previous report, 75 per cent of which is travel.

The last time a defence review was undertaken, the committee had the benefit of taking advantage of some military transportation. In this case, when we made inquiries to see whether military transportation was available to us, we were not only advised that it was not available to us, but that the military was in such a state that it did not have sufficient airlift to provide

for its own needs. It hardly seemed appropriate for politicians to be asking to use military aircraft when there were not enough aircraft for the military.

Finally, I would like to comment on an issue that I am sure is of interest to all honourable senators, and that is the staff that the committee has to assist it in its work.

One of the difficulties we have had over the past three years in studying military affairs, intelligence, national security matters, critical infrastructure and first responders is that there is no expertise readily available to the committee on these matters. I have had numerous meetings with Mr. Paré, the Parliamentary Librarian, and Mr. Finsten, Director of the Research Branch at the Library of Parliament. They simply have not had people who can assist us with military or intelligence matters. The closest they could come when we first asked was to provide us with a rather good researcher, since passed away, whose only experience was in COTC when he was a student at McGill. All of our other researchers have come to us with absolutely no military experience.

I see the Leader of the Opposition smiling. I suspect that he has had more military experience with the navy than have the researchers with whom we have dealt from the library. He has the pictures to prove it as well.

The Senate has been fortunate. Our committee has been fortunate in as much as we have been able to obtain the services of a retired major-general who has provided us with very valuable advice in two or maybe three directions. He decodes a whole lot of the information we receive. The military has its own language and sometimes it is difficult for civilians to understand clearly what is being said. It goes without saying there are no members on the committee who are military. None of us has had military service. The most anyone can point to is Senator Day, who is a graduate of Royal Military College, and Senator Atkins, who served in the United States Army.

The Hon. the Speaker: Honourable senators, I am sorry to interrupt, but the honourable senator's 15 minutes have expired.

Senator Kenny: Honourable senators, may I have leave to continue for three more minutes in order to wrap up?

The Hon. the Speaker: Honourable senators, is leave granted to extend the time?

Hon. Senators: Agreed.

Senator Kenny: I will be brief and I thank you for your generosity, colleagues.

We have a second military adviser who is a former RSM of the Van Doos. He was subsequently the RSM of the army and subsequently became RSM of the Canadian Forces. He has been invaluable because he gives us a perception from the bottom up. He talks to us about how the troops feel and finds ways for the committee to get past the generals and colonels and into the corporals and master corporals. We hear about them, their families and the support system they have on the bases. This is very valuable to us.

We have a national security adviser who is the former Director of Counter-intelligence for CSIS. If senators think we have difficulty understanding the military, we have extraordinary problems understanding the intelligence community. To have with us, at a modest cost, the former director of counter-intelligence, who is also a former RCMP officer, to provide us with advice and assistance is very helpful.

We have a communications consultant, a writer-researcher and some clerical assistance because we have an extraordinarily high volume of requests and correspondence from people as a result of our reports.

Thank you very much for your patience, honourable senators. I would be pleased to address any questions you may have.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Senator Kenny has given us, in a general way, an explanation as to the support staff of the committee. I want to probe a bit deeper into that, particularly as it relates to the travel budget. I understand, because the senator gave us a good explanation, why the committee has to go to specialized sectors to get people with backgrounds in these different areas. However, with regard to travel, this committee, unlike most of the standing committees, is not a committee of 12 senators; it is composed of nine senators. Some of the papers I have seen for field trips involve 22 people; we have to pay the travel expenses of 22 people, for a committee made up of nine senators. Maybe not all senators can always attend.

As Senator Fraser pointed out to us, for her study she is able to travel with four staff in addition to committee members. Hers is a 12-person committee, not a nine-person committee. Perhaps the honourable senator could give us a deeper explication why so many people must travel on these field trips.

Senator Kenny: Honourable senators, it would be my pleasure to do just that.

• (1550)

One of the requirements that faces us, as it faces all committees when they hold hearings, is to provide for reporting and for interpretation. All of our trips have involved public hearings and as a consequence we have had three interpreters and one French reporter travelling with us. That is standard practice whenever a committee is travelling.

If you take as an example the trip to — I assume honourable senators have seen the budget document that was placed on the table; I am referring to trip A — Winnipeg, Windsor, CFB Borden, Toronto and Kingston, it involved nine senators, two clerks, three consultants, one researcher, one administrative assistant and one media relations person.

Honourable senators, the consultants are there because they understand the issues. I described their unique capability earlier, and when we are at a base it is very useful to have the general and the RSM there and available looking at the military from both directions.

That particular trip also involved looking at critical infrastructure in Windsor and dealing with problems relating to customs and immigration of people crossing at that border, which is why the CSIS consultant was there. We concluded that we did not need two researchers, so we dropped one. We had 48 or 49 media contacts over the course of the trip; consequently, we needed to have our media relations person there to deal with the inquiries as they were coming forward.

Honourable senators will recall that earlier I mentioned that in Kingston we went ahead with a town meeting. A town meeting requires not only a different room setup than is required for a formal hearing — hence, the rooms set up must be changed — but it also requires people taking care of microphones. It also requires having each person who chooses to speak at the town meeting to sign in. We need to have their name and address, because they become part of the Senate record. It is a complicated exercise not only to get people to come to the meetings, but also to ensure that things are working right at the meetings.

For example, we used a light at the meeting that turned green, indicating three minutes, then orange, indicating 30 seconds, and then red, indicating that the time was up. The meeting was such that an individual was allowed a three-minute statement, after which a senator was allowed a 30-second response. Hence, when a senator started to speak, an orange light came on; it turned red 30 seconds later, to indicate that time was up. Hence, to set up and operate that equipment, among other things, we needed to have the people to do that, on that particular trip. They all worked, they all had a job, and no one was loafing, sir.

Senator Kinsella: For that particular trip, the honourable senator drew our attention — the trip took place from November 28 to December 3 — \$129,250 was budgeted for 22 participants. I understood from the honourable senator that fewer than 22 participants went on that trip. What did the trip cost? Was it less than the \$129,000 that was budgeted?

Senator Kenny: Yes, it was. I wish I could be more precise in providing the honourable senator with answers to that. I have asked my committee clerk for it.

In fairness, a number of things happened on that trip that made life a bit irregular. First, we did not get the anticipated funding that we were looking for to do all of the locations that we had hoped to. Instead, we had interim funding, so we had to readjust the trip on very short notice. Second, the clerk has been working extraordinarily hard, but he does not have all the figures together as of yet. Some of the translation bills have not come in. My understanding is that he has all of the expenses from the hotels. We ended up chartering small planes to get from one location to another. We lost the larger plane to get us from Kingston to Windsor because we could not sign a contract, since we did not have funding.

I was hoping to draw the attention of the honourable senator to the committee's expenditures in previous years that have always come in under budget, and in some cases significantly so. Going

over budget is not an option in the Senate. In some cases, we have come in as much as 20 per cent under-budget. Frequently, budgeting takes place in advance, prior to knowing the cost of airfares and hotels, because they change seasonally.

Hon. Lowell Murray: Honourable senators, I had asked one of my colleagues earlier, and he told me the answer was in the working papers, but I do not have any working papers. I presume they are submitted to the Standing Committee on Internal Economy, Budgets and Administration. The honourable senator just referred to the experience of previous years and pointed out that the committee had come in under-budget in some or all of those years.

Since the creation of the committee, what has been the expenditure year by year?

Senator Kenny: Honourable senators, I am not sure I can give a complete answer. I will give the honourable senator the details I have, and then get more if it is incomplete.

For the year 2001-02, the total approved was \$364,200, and the expenditures were \$316,959. For the year 2002-03, the total approved was \$477,107, and the total spent was \$359,844. For the year 2003-04, the total approved was \$359,077, and the total expended was \$282,413.

Senator Murray: For the current fiscal year, how much has been approved to date?

Senator Kenny: The figure is \$125,000.

Senator Kinsella: I just want to conclude my questioning. Based on the November trip, where the committee did not take 22 people, I am wondering whether the honourable senator could find some economies, because I do not question the quality of the committee's work. A number of senators are concerned with proportionality in terms of budgets; I am wondering if there are economies that can be made, such as were made in the November trip.

In January, the budget documents that I have seen indicate that another 22 people will be going on the fact-finding hearings in St. John's, Charlottetown and Saint John. For 22 participants, the budget is \$125,950. Given the good work that was done in paring things down for the November trip, could the same be done for the January trip?

• (1600)

Senator Kenny: It is absolutely my hope to be able to do that, honourable senators. Having said that, the Senate budgeting system is not the most flexible system that I have encountered. I can assure honourable senators that it would be our intention to find economies everywhere we go. Currently we are discussing whether it is cheaper to charter between Charlottetown and St. John's or to fly back to Halifax and take a commercial flight from Charlottetown to St. John's. That would be an example of the type of work that the staff is doing. We will not know the answer to that for some time.

We also do not know whether we will be able to have the town meeting that we would like to have in St. John's — and I might add in Saint John as well, because we are looking at two town hall meetings on this particular trip — because it takes a significant commitment from the local community to get people to attend appear at these meetings.

Yes, we will endeavour to find economies in every aspect of the budget, and we will return those funds, as we have in the past.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, if I may, my understanding is that the Defence Committee has spent \$129,928. That was the amount given to the committee by Internal Economy. A budget has been requested of \$525,672. It is my understanding that the committee has spent approximately \$125,000, leaving \$400,000 to spend from now until the end of the fiscal year? Is that correct?

Senator Kenny: I am not sure whether Senator Stratton is right or wrong inasmuch as we have not presented that information in this chamber, and I have not yet seen a list of the expenditures for the trip. As I tried to explain to the Leader of the Opposition, the clerk is still working on that. Notwithstanding the hours that the clerk has put in, which are significant, we do not yet have a precise answer to that question.

Senator Stratton: Surely to goodness the honourable senator could tell me in global terms what he will spend between now and the end of the fiscal year. That would be appropriate, would it not?

Senator Kenny: There is no question of that. I did not think that is what the honourable senator was asking. If that is the question, then the answer is that we have budgeted \$525,672.

Senator Stratton: Is the intention that, between now and the end of the fiscal year, January to the end of March, the committee will spend \$525,000 — in three months, essentially?

Senator Kenny: Absolutely. I would refer the honourable senator to the budget document that was tabled in this chamber on November 4. The honourable senator will see there the trip to Windsor, Toronto and Kingston, less Borden, Regina and Winnipeg. Then he will see the trip to St. John's, Charlottetown and Saint John, and then the trip to Edmonton, Calgary and Colorado Springs. The bulk of the costs are airfare and hotels and, as I mentioned earlier in my remarks, we would be delighted if we could find military aircraft to transport us, as was the case in the past, but the military do not have them for themselves much less for us.

Senator Stratton: I know Internal Economy asked the Transportation and Communications Committee to spread costs over two fiscal years. Did they not come to the Defence Committee and request spreading this \$525,000 over two fiscal years rather than jamming it all into two or three months?

Senator Kenny: No, they did not ask that particular question. We advised them of the work plan of the committee, which calls for hearings to take place in every province of the country. We are

following, not slavishly, the proposals or the procedure that took place with the last defence review, where hearings did take place from coast to coast. There were also meetings with our allies to the south, as well as meetings with our allies in NATO. In the last defence review, the committee spent a week in Bosnia. It went to Sarajevo. The committee members spent time with First Canadian Battalion and Second Canadian Battalion at Split. They also visited Brindisi in order to visit our sailors who were blockading in the Adriatic.

For logistical reasons, we do not contemplate going to Afghanistan at this time, but there is much to be said for talking to troops in the field.

Senator Stratton: When the committee conducts its hearings in Ottawa, we often hear that the committee sits for a considerable number of hours. This work plan involves considerable work. How many clerks and how many deputy clerks or assistant clerks are utilized on a regular basis? Is it, as is normal, one clerk and one researcher? Committees have, in many instances, half a clerk and half a researcher. Can the honourable senator give us a clear indication of how many clerks, deputy clerks and researchers are used by this committee on a daily basis?

Senator Kenny: I would be pleased to do that. We have two clerks and a legislative clerk. The Senate does not provide us with researchers, but I would point out that that is as a result of the committee having sat in the last Parliament for 719 hours and having heard from 1,110 witnesses. When I say we sat for 719 hours, the median was 244 for the Senate, and in terms of witnesses, we heard 1,110 witnesses, and the median was 377. The Committees Directorate has provided us with assistance proportionate to the amount of work that the committee is doing.

Senator Stratton: I am looking here at, of course, proportionality. The honourable senator has three clerks working for this committee full-time. Others have half a clerk and have to struggle to deal with the problems of overload. Is other Senate administrative staff working on behalf of this committee?

Senator Kenny: Yes, I am sure that there are. People set up the room and people dismantle the room. We have messengers. We have switchers who turn microphones on and off. These people perform these functions for all committees. I have not inquired in great detail about it.

In fairness to Senator Stratton, these questions would be more appropriately directed to Internal Economy than to me. Those allocations come not by command from our committee; they are worked out through the Senate administration under the direction of Internal Economy.

Senator Stratton: I appreciate that, but I would expect that the committee, particularly the chair of the committee, would be appreciative of how much it costs to operate the committee on a regular basis, how many translators are required, how many switchers are required, and so on. It would be apparent what was being utilized.

I would ask the Chair of the Internal Economy Committee to take a particular interest in this. What percentage of the Senate administrative staff's time is this committee using? It seems to me vastly disproportionate to the rest of the committees.

Senator Comeau: You cannot do this.

• (1610)

Hon. George J. Furey: In response to Senator Stratton, I do not have that particular statistic off the top of my head right now. However, in the context that it has been raised, it is a question that is worth looking into. It is information that I am sure will be readily available, and we will undertake to get it for honourable senators.

Senator Stratton: It is important that this information be available to the chamber, simply because we are constantly struggling in committee work to utilize as few administrative staff as possible. They are constantly overburdened. I have expressed to the Internal Economy Committee, particularly to Senator Massicotte who is on the steering committee on budgets, how overloaded the administrative staff is. I think we have reached the point at which we can no longer afford to overburden the administrative staff. It has gone beyond the point where we can keep asking for more.

Honourable senators, it is important to look at this issue. We must do so because it is affecting and will continue to affect the health of these people.

Senator Kenny: No one is more concerned —

Senator Stratton: My question was directed to Senator Furey.

Senator Kenny: If I may, no one is more concerned about the health and well-being of Senate staff than I. I had the privilege to serve as Chair of the Internal Economy Committee for a period of time and I have served on the committee for a number of years. However, the argument that seems to be coming forward strikes me as unusual. Of course we have to be concerned about the health and well-being of Senate staff. We also have to staff Senate endeavours appropriately.

If I follow the logic of the questioning of Senator Stratton, he is arguing for senators to work less. He is suggesting that Senate committees should not be sitting. He is suggesting that our committee should not have sat for 719 hours. This is interesting. We have, in this Parliament, an 80 per cent attendance record. We have a group of senators who are sitting for long hours and 80 per cent of them are showing up at the meetings.

Senator Banks: On Mondays.

Senator Kenny: Thank you, Senator Banks. It is quite appropriate to say that because some senators have to leave their homes on Sunday to get to committee meetings on Monday. We do not have the luxury of a Tuesday-to-Thursday schedule.

One of my objectives since I have been in the Senate is to address and deal with the reputation that we have had as a place of slumber, a place that does not work hard, does not put in a full week, does not put in a full day. We have a group of senators who have collectively decided that they do want to put in a full day's work, that they do want to hear from Canadians, that they do want to address issues that are of concern to Canadians. I must say that defence and national security have clearly been concerns of Canadians.

I am the servant of the committee. The committee would not have an 80 per cent attendance record if the members did not think they were doing something useful. The committee would not be sitting the number of hours it is sitting if the members did not wish to sit those hours. We have a group of senators who want to improve the reputation of the institution and demonstrate to the public that we are carrying our weight. I think that the members of this committee have demonstrated that. I, as their chair and their servant, have endeavoured to put their wishes into effect.

Senator Stratton: While I appreciate that comment from Senator Kenny, that was not the question. The question was not for a justification of how hard the committee is working. The question was with regard to the impact that the workload is having on the staff. I asked Senator Furey what proportion of the time of Senate staff is devoted to this committee. This chamber needs to know.

With regard to the second part of that question, some of us are very concerned with the number of hours being put in by those staff members and the potential impact on their health.

That question is directed to Senator Furey.

Senator Kenny: It is not appropriate to direct the question to Senator Furey.

Senator Furey: Would it be in order for me to ask a question of Senator Kenny?

The Hon. the Speaker: Senator Kenny has raised a point of procedure and I should clarify it. We are having a debate on a debatable motion. Senator Kenny was given additional time, which is unlimited. I find that the Senate is best served if we use our rules to permit debate as broadly as possible rather than narrowly. Accordingly, as our rules provide, I saw Senator Furey as a commentator on Senator Kenny's speech, even though it involved something going to Senator Kenny.

In answer to the comment of Senator Kenny, I am attempting to be as liberal as possible in allowing honourable senators to speak.

Senator Kinsella: On the question of order, the matter before us involves, effectively, the Internal Economy Committee. We are proceeding by having individual committee chairs speak and respond to questions rather than making the Chair of the Internal Economy Committee responsible for the entire issue.

There are two bases of knowledge into which it is necessary for honourable senators to probe. One is the specialized knowledge of the committee and the other is the specialized budget knowledge that resides with the Chair of the Internal Economy Committee.

I suggest that, in the generous and progressive nature of this debate, we allow both the Chair of Internal Economy Committee and the chair of the specific committee whose budget request is being queried to speak because they both have relevant information.

The Hon. the Speaker: I agree. We need to do that within the rules, and we can and are.

Senator Furey: In reply to Senator Kenny, I have already stated that I think Senator Stratton's questions and concerns are quite appropriate. We will look into the matter and provide the chamber with the information he has requested.

Senator Stratton: Can the Internal Economy Committee take it upon itself to conduct a study with respect to the hours and the potential impact on the health of our staff without a resolution from this chamber?

Senator Furey: I believe it would be appropriate for the administration to look into that question and anything surrounding it. If they determine that the health of individual employees is impacted, that should probably come back here for discussion.

Hon. Madeleine Plamondon: I have attended every sitting of the Senate since I have been here and I have never heard that a security policy is a priority. I have listened with much attention to everyone who has spoken, and no senator has ever given a speech saying that we need a security policy. I have heard people voice their concerns about poverty and minorities.

• (1620)

Why are we allocating so much money to a committee to define a security policy when no one here has asked for it? How do we in the Senate define our priorities? Priorities go with budgets. With all respect, we should define our priorities and put the money where the priorities are. If the priority is health or education, we should state that. Over the past year, I have not heard anyone say that the priority of the Senate was to define a policy.

Second, why do we budget so much money for this committee? From the report we have received, there is enough in the committee's budget to define a policy without that much travel. I do not think that members have to travel to define a policy because they know a lot. The chair of this committee has travelled a great deal and is well informed. I believe that a General has helped him with the information. We should make use of people within the Senate instead of outside. If they do not know enough, as Senator Kenny said, then we should ensure that someone within the Senate is well-informed so that such expertise might be drawn on to serve others in the future. In that way, we do not have to rely on outside help all the time.

It belittles the Senate to solicit outside expertise. We should have more confidence in Senate staff and avail ourselves of their expertise. We should establish priorities before distributing the money, because these activities are very expensive.

Senator Murray: Honourable senators, I should like to confirm my impression now that I have the so-called "working papers," the budget. The chairman of the committee told me a short while ago that, to date, in fiscal year 2004-05, \$125,000 has been approved. I understand that, including the \$125,000, the budget for the current fiscal year, if the motion before the house is approved, would be \$650,600. I do not know whether the honourable senator has the answer to this question, but if he does not, perhaps the Chairman of the Internal Economy Committee knows the answer, and a ballpark figure would be sufficient. What does \$650,000 represent as a proportion of the total of all budgets for all committees before Internal Economy — one-third or one-fourth?

Hon. Paul J. Massicotte: Honourable senators, I believe the answer would be approximately one-third.

Hon. Percy Downe: Honourable senators, I have a question for the Chairman of the Defence Committee. Does the committee's budget include allocation for the Subcommittee on Veterans Affairs?

Senator Kenny: Honourable senators, it does not include that.

Senator Downe: I note that the Defence Committee is traveling to Charlottetown. As the honourable senator knows, that is also the national headquarters of Veterans Affairs. I would hope that, to maximize the benefit, that the committee members would consider holding hearings with the people at the headquarters of Veterans Affairs located in Charlottetown.

Senator Kenny: Honourable senators, it is our intention to include those meetings. We have had discussions with Senator Meighen, and, in the course of that trip, two panels are planned that relate to Veterans Affairs.

Hon. Tommy Banks: Honourable senators, the question raised by Senator Plamondon on the subject of priority is a highly cogent one. I would say to Senator Plamondon that, in my opinion, the first priority — the first duty paramount to all others — that is owed by a state, is to the security and the defence of, when necessary, its citizens, its territory and its sovereignty.

Senator Stratton: Should we sing *O Canada*?

Senator Austin: He is absolutely right.

Senator Kinsella: What about education?

Senator Austin: Safety of the individual is first.

Senator Banks: If that security is not guaranteed by the state, and if the defence of the state and its sovereignty is not guaranteed by the state, then everything else becomes moot, and all of the other things that are important to us would cease to exist, were it not for that being the first priority of every state on earth.

One thing referred to by Senator Kenny but not fully grasped by all in the conversations that we have had, is that the present budget and the present study being undertaken by that committee — of which I have the honour to be a member — is not a simple, normal study by a Senate committee in response to a reference. It is in response to a reference by the Senate to the committee, but that is within its purview. As Senator Kenny said briefly at the beginning of his speech, every seven to 10 years — in this case it will be closer to 10 years — it is prudent that Canada have and undertake a review of its defence capabilities.

Some events have intervened, honourable senators, since the last defence review, which was begun in 1993 by a joint committee of the House of Commons and the Senate. As Senator Kenny said, a number of senators who took part in that are present today. I think that 10 years is long enough to say that it is now prudent to undertake such a study.

Honourable senators, such a study requires commitment on the part of the members of the committee and requires the spending of money that may be extraordinary, if I may put it that way, by comparison with any other normal Senate committee study undertaken in the normal course of business. There will be another such study, senators, coming to a committee which I have the honour to chair, the Standing Senate Committee on Energy, the Environment and Natural Resources. It will undertake, as a matter of provision in the legislation, a review of the Environmental Protection Act, which has to happen, by statute, every five years. That study will not be ordinary in terms of its costs. It will be expensive. It is required by legislation to be done.

With respect to the question asked about travel by a number of senators, Senator Kenny mentioned briefly the question of truth to power. Honourable senators, without denigrating anyone, we have found by experience and observation over the last three years and, finally, out of the mouths of the people concerned, that if there were something wrong, and I am not saying that there is, with respect to the proper resourcing of the undertakings of our defence and security and intelligence establishments, the bureaucrats in Ottawa could not tell us that there is something wrong.

• (1630)

The ministers that we ask here in Ottawa cannot tell us that there is something wrong. The senior military officers that we ask here in Ottawa cannot tell us that there is something wrong. The heads of the agencies that are here in Ottawa cannot tell us that there is something wrong because things in this country operate differently from the way they operate in United States, Australia or the United Kingdom.

Those persons are constrained by the policy of the Government of Canada from telling this committee that something might be wrong. If there is something wrong, we cannot find out about it here. We have to find out about it by going to the pointy end of the stick. We learned that in the first year of that committee.

Senator Stratton: Every committee has that responsibility.

Senator Banks: Yes, I agree. What is the next question?

Senator Stratton: The next question is —

Senator Banks: Every committee has that responsibility. This committee is discharging it.

Senator Stratton: Your point is?

Senator Banks: I will be happy to entertain questions as soon as I finish speaking, Senator Stratton.

My honourable friend is right when he says that every committee has that responsibility. This committee is doing it.

Senator Stratton asks the question about equating the work of this committee to the proportion of time and effort being spent by the administration to allow the committee to do its job. It is a perfectly reasonable question. When we find out that the demands on the administration are disproportionate by odious comparison with other committees, there will be two possible solutions. One is to increase the capacity of the administration to serve the business of Parliament. The other is to say to senators, "You must not work so hard; you must do less work."

Honourable senators, I am one the senators about whom Senator Kenny was speaking. I leave my home every week on Sunday afternoon at 5:30 in order to be here for the Monday meetings of the National Security and Defence committee, and I have done that every week since the committee was established. I do not want to come here and beg for permission to work or for the administration to be properly resourced so that when we do that work it can do its job. There is no question that the people in the administration who are providing services to this committee are doing so extremely well.

I look forward to the answer to Senator Stratton's question about the proportion of administrative effort to serve that committee. Then I look forward to the answer we will give. Shall we provide the resources to do the work of Parliament, or shall we say to honourable senators, "Stop working so hard"?

The Hon. the Speaker: Honourable senators, I believe that Senator Stratton had a question, and then I will go to Senator Adams.

Senator Stratton: Honourable senators, my question was rather mundane. We appreciate and understand what Senator Banks says. Everyone in this chamber realizes and understands that, but we are always faced with what we can reasonably ask the taxpayer for as an increase each fiscal year. One side says that we have to ask more so that committees are properly funded, irrespective of what we can reasonably expect of taxpayers. That is the balance that must be struck.

While we are trying to achieve that balance, my concern is that we are pushing the envelope. In this case, the envelope is the administration. That has been stressed to me. I am not the only one saying it. I would not be saying this today if it were just me. The honourable senator should understand the stress that is there.

That is the point here. We can rant and we can talk. I rant and you rant. The point is that there must be a more rational approach here instead of placing ever-increasing demands on the Senate administration at every whim of every committee. I am not specifically talking about the National Security and Defence Committee.

Honourable senators, we ask for more and more, and they respond and respond. I believe that we are at the limit where they can no longer respond. If we cannot go to the Canadian taxpayer and ask for more money, then what do we do?

Senator Banks: Honourable senators, I have never found a dime to be spent in this place of which I have any knowledge that is profligate. Senator Kenny answered Senator Murray's good question about the difference between what was authorized and what was spent. In every case, it was tens of thousands of dollars. I think Senator Murray did the arithmetic. The savings have been substantial because Senator Kenny, the staff and everyone on that committee are extremely careful about the money they spend and the work that they do.

I must tell Senator Stratton that we often are asked those questions in the public domain. I suspect that most of the pressure you are talking about is within this room. When we are asked those questions in public, neither the honourable senator nor I have any difficulty defending the work, budget and the cost of the Senate.

The cost of the Senate right now by comparison with every other aspect of business of the government is the bargain of the century, and every Canadian I have ever spoken to knows it.

Hon. Senators: Hear, hear!

Hon. Willie Adams: Honourable senators, every military member in Canada must learn how to secure themselves. We have to have guns, ships, soldiers and airplanes. Much has happened since 9/11. There have been studies of security and defence for over three years. Over \$2 million has been spent during those three years for studies.

People must be trained for the army. The military has no equipment to do what it needs to do. What do we study? When other countries are at war, we send our military as peacekeepers.

• (1640)

Senator Comeau said an hour ago that every year the Defence Committee travels all over the world. Senator Kenny said he had 73 meetings in one year, but he only referring to 15 of them. Where are the rest — the 60 or so meetings that they went to? We have to explain to the taxpayers what we are doing with their money. How has security and defence been improved over the last three years?

Senator Banks: I thank the honourable senator for the question. The short answer is that the budget that is being talked about in the present motion has to do with the large undertaking study

that I talked about a minute ago, having to do with a review of the defence policy of Canada — not just the budgets, but the defence policy of Canada. What is our attitude internationally when we send out expeditionary forces? What is the means by which we defend our sovereignty? How will we defend Canada?

It also includes the other question to which the senator alluded, and that is the question of national security other than the traditional military view. Those two things have become less difficult to separate lately; they overlap. They have been somewhat schmoozed together. The study on the question of national security, other than the military side, continues and is part of the budget being talked about, as well as the review of the national defence policy.

The thrust of the national defence policy is to ask, on behalf of Canadians, and to determine partly by asking Canadians directly, what we want the defence policy of Canada to be. How high do we place it on our priorities, and where do we place it in respect of the order of where we think money needs to be spent on it? If we are going to do A, B and C, are we properly funding the forces to be able to do those things? Those are the questions that are fundamentally important to Canadians and it is the business of the defence study to find that out. However, the other side continues —

The Hon. the Speaker: I regret to inform Senator Banks — I know Senator Nolin wanted to ask a question, and perhaps Senator Adams has more — that his 15 minutes have expired.

Senator Banks: I would ask for leave to hear Senator Nolin's question at least.

The Hon. the Speaker: Is leave granted to provide additional time for Senator Banks? No dissenting voice being heard, leave is granted.

Senator Adams: If a Senate committee has a mandate to study security and defence, the committee should consider not coming to the Internal Economy Committee for its budget but rather going to DND for its budget.

Senator Banks: That would be lovely, but the likelihood of getting money from the Department of National Defence to conduct a study on defence is zero. The Minister of Defence would not allow it, I am sure. I do not want to speak for him, but I would be surprised if he agreed to pay for the cost of that study.

Many internal reviews and audits are done within the Department of National Defence, but I think that objectivity requires that the matter of both the department itself and the forces themselves be examined by people from outside.

The independent — non-partisan, if I may say — examination of all facets of Canada's life, business and government is the business of Parliament. That is what Parliament is supposed to do. That is what we are undertaking to do in this case.

In that respect, Senator Kenny talked about the attendance in his committee. I want to point out that over 80 per cent of the members of that committee are here today sitting in this chamber at this moment.

Hon. Pierre Claude Nolin: Honourable senators, am I right to assume that to undertake properly and reasonably the mandate given by this chamber to study exactly that, the committee needs this chamber to authorize it to spend reasonably that amount of money now?

Senator Banks: Yes.

Senator Nolin: Thank you very much.

Senator Banks: That is my understanding.

Hon. Peter A. Stollery: Honourable senators, I want to make a brief observation in response to Senator Plamondon, because I think her question deserves a response. Do we have a sense of priorities? I think that is a very good question. We are sitting here in the Senate and it deserves an answer.

I would point out to the honourable senator that on reading the *Journals of the Senate* she will notice that there are many budgets, not just a defence committee budget, and one of them is for the Standing Senate Committee on Social Affairs, Science and Technology. In terms of priorities — that is what the Internal Economy Committee does — we work very hard to establish a sense of priorities. A couple of years ago, the Senate decided that a study should be made of the health care system in Canada. I see here that Senator Kirby, the chairman of that committee, has asked for \$163,750 to report on issues arising from and developments since the tabling of its final report on the state of health care. This is a special study on mental health, which has an important social implication in Canada.

It would be a mistake for us to leave the impression that we do not think about priorities, and about the very important social issues that the senator has brought to our attention.

I am not a member of the National Security and Defence Committee. I have no budget here that I am trying to get through today. I am reasonably objective; I have been here for many years. I just want to say to Senator Plamondon that we do deal with important social issues.

The Hon. the Speaker: Senator Murray is next on my list.

Senator Murray: Honourable senators, I will pick up where Senator Stollery left off. I intended to mention the study that the Standing Senate Committee on Social Affairs, Science and Technology did on health care. That study was one of the more famous, certainly one of the more noteworthy, studies that a Senate committee has done in recent years. I was not a member of that committee, but one thing I do know about it is that they worked exceedingly hard. I would not want to leave the impression that only the committee whose budget is now before us acts with any diligence. The Social Affairs, Science and Technology committee worked very hard on that study. At the same time, as I recall, the committee had to undertake such legislative items as were sent to it by the Senate.

The committee to which I referred issued several reports. Their recommendations have become a major part of the public debate. More important, from our point of view, and in the context in

which we are now speaking, the expenditures of the Social Affairs, Science and Technology Committee on the entire study were a fantastic bargain, when compared, for example, with what a certain royal commission on the same subject had cost the taxpayer.

They have returned to the charge. They are, as Senator Stollery has pointed out, doing a study now of mental health. Goodness knows, it is a very important subject to be studying, and we look forward to their recommendations.

Health care was a controversial subject and was a matter of great priority to everybody interested in public policy in this country. We did not know in what direction the country was heading with regard to the quality and financial sustainability of health care, so the Senate committee did us a tremendous service.

• (1650)

Defence and security has been a priority, first of all, because there is and has been such confusion and uncertainty about Canada's defence policy as to have made it somewhat of an embarrassment for some years now. The committee has undertaken its work for that reason, and also because security has become such an important public issue since September 11, 2001.

These are factors that must be taken into consideration. Ultimately, and now I join Senator Plamondon, we will have to decide, just as health will have a lesser priority than it had a year or two ago, whether defence and security are going to maintain the same priority for the Senate year after year after year. The question that we will have to consider, ultimately, is whether one-third of the entire budget for committees has to go to one committee, namely, defence and national security. Is it necessary that defence and national security occupy that priority and take such a considerable portion of the entire committees' budget year after year after year? My guess is that this will stop somewhere, and it will not be necessary for the Senate to regard this issue in the same light it does now, to give it the same priority and spend the same proportion of our total committees' budget on it.

Finally, one little item occurs to me. My observation over a couple of years is that the Internal Economy Committee does not have the kind of analytical capacity that we would like it to have to truly study and analyze budgets submitted by all the committees. It does not operate as, for example, the Treasury Board does in the Government of Canada. Obviously, as time goes on and we spend more money on committees, we will need the analytical capacity of the Internal Committee beefed-up.

On matters like travel, it went through my mind that recently I accepted to go to Vietnam for a meeting of the Asia-Pacific Parliamentary Forum, and the parliamentary body sent me an itinerary and a ticket from Vancouver to Hanoi, Vietnam. I asked how I would get to Vancouver, and the answer was that I should use my Senate points, which I thought was a reasonable suggestion. That is what Senate points are for, and, of course, I will use my Senate points while travelling within Canada.

I do not know whether that practice is of help to those who are planning travel for standing committees, but perhaps we can consider that at the appropriate time and place.

[Translation]

The Hon. the Speaker: As it is now 4:55 p.m., is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of the Honourable the Deputy of Her Excellency the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1700)

ROYAL ASSENT

The Honourable Louise Charron, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law (*Bill S-10, Chapter 25, 2004*)

An Act to provide financial assistance for post-secondary education savings (*Bill C-5, Chapter 26, 2004*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bills:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (*Bill C-34, Chapter 27, 2004*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (*Bill C-35, Chapter 28, 2004*)

To which bills I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy of her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

• (1710)

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence (budget—release of additional funds (study on the national security policy for Canada)) presented in the Senate on December 14, 2004.—(*Honourable Senator Kenny*)

The Hon. the Speaker: Honourable senators, Senator Murray had the floor when we rose.

Hon. Lowell Murray: Honourable senators, I thought I had covered the subject adequately.

[Translation]

Hon. Gerald J. Comeau: Honourable senators, there is no doubt in my mind that this issue is very important. I was impressed by the comments of some of the senators who took part in the debate, including Senator Plamondon, Senator Stollery, who tried to answer her, and Senator Murray, who talked about the question of priorities.

In a perfect world, it would not be a question of priorities; each committee would receive unlimited resources. Unfortunately, that is not the case and was not the case in the 2004-05 financial year.

The Standing Senate Committee on Fisheries and Oceans received \$18,000 to conduct a study on straddling stocks and Canada's fish habitat.

• (1720)

Allow me to put this \$18,000 into perspective. The Standing Committee on National Security and Defence received a total of \$650,000. One of the items on the agenda of the defence committee is the promotion of its report. Of its \$650,000 budget, some \$20,000 is allocated to this item. I am not saying this item is not important. Indeed, it is important to promote this report properly. However, \$20,000 is \$2,000 more than the total budget for the Fisheries and Oceans Committee, and is indicative of the priorities of this chamber.

[English]

Is this chamber attaching less priority to fisheries? On a list of priorities, does that mean that the Fisheries Committee and the very important work that it wished to undertake is worth less than one line item in the whole of this budget of \$650,000?

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: Earlier today, I left it to this chamber to decide its priorities. With that in mind, I would like to help this chamber by proposing a motion in amendment to this report. I move:

That the fourth report of the Standing Senate Committee on National Security and Defence be amended in order to release \$200,000 to the Standing Senate Committee on Fisheries and Oceans.

The Hon. the Speaker: Do you wish to speak to the amendment, Senator Comeau?

Senator Comeau: Briefly. This motion does not take away one penny from the Defence Committee.

[Translation]

Since we are considering this report by the Standing Committee on Internal Economy, Budgets and Administration, I want to take this opportunity to request that we re-evaluate the priorities of this chamber and that the honourable senators be allowed to speak again on the importance of fisheries and oceans to Canada. If we did, we might realize how little priority this Senate accords the future of this country. I do not believe I am alone in wishing to discuss Canada's priorities. Defence is perhaps the top priority, and it deserves, perhaps, the entire budget. However, there are a number of other important areas.

Once again, I do not want to minimize the importance of defence in Canada. However, I do not want fisheries and oceans to be treated the way they have been in the reports we considered yesterday and today.

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to pick up where Senator Comeau left off. No work that is done by committees in the Senate is unimportant. Everything the Senate decides to do is important, and all work is of equal importance. All committee work has to be judged not in terms of its importance, but in terms of the financial resources that are required to make the reference to a committee by the Senate effective. That is the work of the Standing Committee on Internal Economy, Budgets and Administration.

The amendment that Senator Comeau proposes, I believe, is clearly out of order. However, the case that Senator Comeau makes for the importance of the work of the Standing Senate Committee on Fisheries and Oceans is beyond doubt, so far as I

am concerned. The critical issues that we have on each coast, Atlantic, Arctic and obviously Pacific, from my point of view, are crying for public debate and analysis, and a contribution by the Senate to that debate is an essential part of the work of this chamber.

While I believe the amendment is out of order, I would suggest that we could agree to ask the Standing Committee on Internal Economy, Budgets and Administration to review its decision in the next few weeks. It moves, as honourable senators know, on its own motion. It does not require any reference from this chamber. I hope it would be agreeable to all that the committee, having heard the debate this afternoon and having access to the transcript of this debate this afternoon, could agree to meet. It is certainly not in order, in my view, for the chamber to indicate an amount. Doing so would usurp the proper function of analysis which is their responsibility by the rules of this chamber.

I would look to the Leader of the Opposition to see if he is in accord with the sentiment of the chamber, as I understand it.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, given where we are in the work this afternoon and the subject matter of the amendment that has been proposed by Senator Comeau — Senator Austin has said we have now a record and the honourable senators who are members of the Internal Economy Committee have access to it — to obviate any decision from the chair on orderliness, if Senator Comeau is in agreement, he could withdraw the motion with the full confidence that the subject matter will be taken up by the Internal Economy Committee and then we could move on from there.

The Hon. the Speaker: Other senators wish to participate before we get into the issue of whether the question is in order. I will allow the senators rising to participate in the debate under Senator Austin's name.

Hon. George J. Furey: Honourable senators, I would have no problem with Senator Kinsella's proposal, absent the figure that Senator Comeau put on the matter. However, I would like to first express my confidence in Senator Massicotte and his committee made up of Senator Lynch-Staunton and Senator Day. I think they did a tremendous job. I believe a brief history of Senator Comeau's lament is important.

My understanding from Senator Massicotte and from Senator Day is that Senator Comeau presented a proposal to the subcommittee on budgets requesting a trip to New Zealand. The committee informed Senator Comeau that it did not think the proposal was full enough at that time, so they asked that it be returned to them at a later date for further consideration. In the meantime, there were other matters on Senator Comeau's request that could very well have allowed him to continue with the very important work that his committee does here in Canada on the East Coast and the West Coast. My understanding is that he did not come back to the subcommittee looking for that money.

That being said, I am prepared to support the proposal of Senator Kinsella.

[Senator Comeau]

Hon. J. Michael Forrestall: Honourable senators, I wonder if I might invite Senator Comeau or someone to give me some assurance. I would be remiss if I did not make the suggestion that, in life, you can do certain things certain ways, but there are some things you cannot do other ways.

• (1730)

My point is that I agree with the importance of the work and that it be reconsidered, but not if it is understood, notwithstanding the withdrawal by Senator Comeau of his motion, that that \$200,000 come out of the budget of the Standing Senate Committee on National Security and Defence.

Senator Oliver: That was never said.

Some Hon. Senators: No, no.

Senator Forrestall: Who do I have that assurance from, honourable senators?

Senator Nolin: Let us vote on the motion of Senator Kenny now.

The Hon. the Speaker: We have not done anything yet, Senator Forrestall, and everyone should listen carefully when we decide, with unanimous consent, to do something.

Hon. Elizabeth Hubley: Honourable senators, I want to support the initiatives of our Fisheries and Oceans Committee. Each of us in this chamber is dedicated to and often passionate about the work we do in our committees. I hope all senators can understand how we felt about having our budget cut so drastically. We spent a great deal of time, as Senator Comeau indicated, in planning our work in the best possible way to get the most information possible to turn over to Canadians. I do not think we could do the work we were mandated to do with the budget we received, and I am very pleased that there may be a reconsideration of that budget.

The issue of priority was raised, which is a delicate subject. Due to the importance of our work to each of us, of course we think that our work is more important than other work that is being done. Each of us has special interests.

With regard to priority, I was reminded of a speech that I gave recently on what Atlantic Canadians thought the priorities of the government should be. Twenty-three per cent of the respondents identified reducing poverty and unemployment, while 22 per cent identified post-secondary education. Seventeen per cent of Atlantic Canadians identified lowering taxes and 12 per cent identified paying down the debt. The least popular priorities were the environment at 8 per cent, military spending at 7 per cent and child care at 7 per cent.

I hope that we can get our committee up and running again. This setback has been somewhat devastating to us. I am in full support of what our chair has done today.

Senator Comeau: I wish to comment briefly on the request of the Chair of the Internal Economy Committee that I return to the committee for further consideration of our budget request. Allow me to explain what occurred.

The morning before the day that the committee budgets were to be evaluated, I had a visit from one of the members of the subcommittee — and I hope he does not mind if I tell tales out of school — who indicated to me that if I made a mad scramble I might be able to scrounge a few more dollars from Internal Economy, but that travel outside the country was completely out of the question. That did not come as a complete surprise to me because the indication I received at the committee was that they thought it was somewhat frivolous. However, scrambling to attain a few extra dollars for the committee is not the way I work. That is not the proper way to handle things.

I think that we have all learned a lesson. I still believe that this affair was not handled properly but, that being said, I am prepared to let the Internal Economy Committee study whether we should revisit the priorities of the Senate. Are we following what we said in the book that we published and sent out to schools and to Canadians in general with regard to what the Senate is all about, or are we a different kind of chamber? My position stands on that perception.

I accept what the Leader of the Government in the Senate has said. At least our committee will have a chance for a fair hearing. Therefore, I withdraw my motion.

The Hon. the Speaker: I gather that there would be unanimous consent in the chamber to refer the subject matter of Senator Comeau's motion to the Internal Economy Committee.

Senator Furey: Honourable senators, on a point of order, I am very much in favour of doing this, but Senator Comeau just indicated to this chamber that he did not receive a fair hearing. I would like him to withdraw that assertion because this committee went out of its way to give everyone who came before it a fair and open hearing. He may not have agreed with the results, but he has no grounds to say that this committee treated him unfairly or any differently than it treated any other committee.

[Translation]

Hon. Jean Lapointe: Honourable senators, I am not an expert in defence or security, but I find it a bit much that one-thirtieth of the budget of the Standing Senate Committee on National Security and Defence has been allocated to the Fisheries and Oceans Committee. I realize that security is very important. In fact, our defence system is in great shape: our submarines are sinking and our helicopters are crashing.

All I want to say is that people of goodwill would no doubt be able to come up with an adjustment, and I take this opportunity to wish those people a happy new year, peace and a very merry Christmas.

[English]

The Hon. the Speaker: Honourable senators, am I correct that there is unanimous agreement that the subject matter of the amendment proposed by Senator Comeau, upon being withdrawn, be referred to the Standing Committee on Internal Economy, Budgets and Administration for appropriate action?

Senator Kinsella: That is correct.

The Hon. the Speaker: Is there unanimous agreement, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is there unanimous consent for Senator Comeau to withdraw his motion in amendment?

Hon. Senators: Agreed.

Motion in amendment withdrawn.

The Hon. the Speaker: We are back on the main motion.

Hon. John Lynch-Staunton: Honourable senators, I do not think any of us enjoyed the debate on this item this afternoon, and I am afraid that it will not be the last such debate. To my mind, the whole process is wrong. I have expressed my concerns at the subcommittee, in the chamber and to Internal Economy. The problem, honourable senators, is that we never vote enough money for committees in our budget. Every year, we are faced with legitimate demands. We may think that some of the demands are exaggerated, but those can always be taken care of.

• (1740)

For next year, as far as I recall, the indication to date from committees is for more than \$2 million, and not all committees have been heard from, including the Anti-terrorism Committee, which was formed last night on Bill C-36. We will have a shortfall in our budget, which will mean going through the same agony of dividing a small pie into more pieces to accommodate more committees. Why do we not bite the bullet and, if we need \$4 million or \$5 million for committees, put that in and be finished with it once and for all?

We boast about our fine committee work, with reason, because it is recognized across the country and internationally. Some of our reports have gone world-wide and are still in demand on every topic imaginable. The House of Commons does not have that kind of favour and reputation. To do the work properly and to know that it can be done properly, the resources must be allocated. If it cannot be done in the next budget because we are too far advanced, then do it through the supplementary estimates and put it in next year's budget, to avoid this kind of debate, which is not pleasant and which would not be necessary if we were to run this place the way it should be run.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Is the house ready for the question.

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Kenny, seconded by the Honourable Senator Banks, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples (budget—study on involvement of Aboriginal communities and businesses in economic development activities in Canada—power to hire staff and travel) presented in the Senate on December 14, 2004.—(Honourable Senator Sibbeston)

Hon. Nick G. Sibbeston moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence, entitled: *Canadian Security Guide Book, 2005 Edition: An Update of Security Problems in Search of Solutions* tabled in the Senate on December 7, 2004.—(Honourable Senator Kenny).

Hon. Colin Kenny moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON ISSUES RELATED TO MANDATE

INTERIM REPORT OF THE ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report (first interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *The One-Tonne Challenge: Let's Get On With It!*, tabled in the Senate on November 24, 2004.—(Honourable Senator Banks)

Hon. Tommy Banks moved the adoption of the report.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny, pursuant to notice of December 13, 2004, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit from Monday, January 31 to Thursday, February 3, 2005, even though the Senate may then be adjourned for a period exceeding one week.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I have a question of Senator Kenny.

I would ask the honourable senator to look at the following motion by Senator Andreychuk in respect of the Senate not sitting for more than one week. It is my understanding of Senator Kenny's motion that the intent is to sit on Monday January 31. The Senate will be called to this chamber on Tuesday, February 1, of the same week.

Could we have a clarification on the activity of the committee at that time? Is there travel involved?

Senator Kenny: Yes, travel will take place at that time. That is absolutely correct.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Terry Stratton (Deputy Leader of the Opposition), for Senator Andreychuk, pursuant to notice of December 13, 2004, moved:

That the Standing Senate Committee on Human Rights be empowered, in accordance with rule 95(3), to sit Monday, January 31, 2005 even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 1, 2005, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 1, 2005, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Wednesday, December 15, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples					
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14							
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13							
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	04/12/14				04/12/15	04/12/15	27/04
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14						
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14				04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act, (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30							
S-21	An act to amend the criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							

PRIVATE BILLS

[illegible]

CONTENTS

Wednesday, December 15, 2004

	PAGE	PAGE
SENATORS' STATEMENTS		
Anti-personnel Land Mine Ban Treaty Hon. Elizabeth Hubley	535	
Heritage Children of Mowachaht and Muchalaht First Nations— Request to Fund Visit to Ottawa for Opening of Yuquot Exhibit. Hon. Jack Austin	535	
The Senate Family Expression of Appreciation. Hon. George J. Furey	535	
<hr/>		
ROUTINE PROCEEDINGS		
Special Senate Committee on Anti-Terrorism Act Committee Authorized to Meet During Adjournment of the Senate. Hon. Bill Rompkey	536	
Access to Census Information Presentation of Petitions. Hon. Lorna Milne	536	
<hr/>		
QUESTION PERIOD		
Transport Airline Industry—RCMP Investigation of Airport Workers for Possible Ties to Organized Crime. Hon. Consiglio Di Nino	536	
Hon. Jack Austin	536	
Auditor General's Report—Airport Businesses Linked to Organized Crime. Hon. Consiglio Di Nino	536	
Hon. Jack Austin	536	
Citizenship and Immigration Minister's Office—Dismissal of Staff Member Tied to Terrorist Organization. Hon. Marjory LeBreton	537	
Hon. Jack Austin	537	
Allegations of Political Interference by Minister— Investigation by Ethics Commissioner. Hon. Marjory LeBreton	537	
Hon. Jack Austin	537	
Granting of Immigrant Status to Individuals under Protection of Churches. Hon. A. Raynell Andreychuk	537	
Hon. Jack Austin	538	
Health Ill Effects of Contraceptive Depo-Provera— Parliamentary Review—Aid to Users. Hon. Mira Spivak	538	
Hon. Jack Austin	539	
Reaction to United States Food and Drug Administration Assessment of the Drug Bextra. Hon. Jack Austin	539	
National Defence Definition of "Weaponization of Space". Hon. J. Michael Forrestall	539	
Hon. Jack Austin	539	
Agriculture and Agri-food Aid to Farm Producers. Hon. Leonard J. Gustafson	539	
Hon. Jack Austin	539	
Citizenship and Immigration Granting of Immigrant Status to Ayoub Family. Hon. Marcel Prud'homme	540	
Hon. Jack Austin	540	
Delayed Answer to Oral Question Hon. Bill Rompkey	540	
Foreign Affairs China—Visit by Prime Minister—Human Rights Issues. Question by Senator Spivak. Hon. Bill Rompkey (Delayed Answer)	540	
Question on the Order Paper Request for Answer. Hon. John Lynch-Staunton	541	
Hon. Bill Rompkey	541	
<hr/>		
ORDERS OF THE DAY		
Appropriation Bill No. 2, 2004-05 (Bill C-34) Third Reading. Hon. Joseph A. Day	541	
Appropriation Bill No. 3, 2004-05 (Bill C-35) Third Reading. Hon. Joseph A. Day	541	
Bill to Change Boundaries of Acadie—Bathurst and Miramichi Electoral Districts (Bill C-36) Second Reading—Order Stands. Hon. Noël A. Kinsella	541	
Hon. Jack Austin	541	
Royal Assent Notice	542	
Internal Economy, Budgets and Administration Second Report of Committee Adopted. Hon. George J. Furey	542	
Energy, the Environment and Natural Resources Budget and Authorization to Travel—Report of Committee on Study of Issues Related to Mandate Adopted. Hon. Tommy Banks	542	
Hon. Gerald J. Comeau	542	
Hon. Charlie Watt	545	
Official Languages Budget—Report of Committee on Study on Operation of Official Languages Act and Relevant Regulations, Directives and Reports Adopted. Hon. Eymard G. Corbin	545	
Agriculture and Forestry Budget and Authorization to Engage Services— Report of Committee on Study of Development and Marketing of Value-added Agricultural, Agri-food and Forest Products Adopted. Hon. Joyce Fairbairn	546	
Hon. Donald H. Oliver	546	
Hon. Fernand Robichaud	546	

	PAGE
Budget and Authorization to Engage Services— Report of Committee on Study of Present State and Future of Agriculture and Forestry Adopted.	
Hon. Joyce Fairbairn	546
Transport and Communications	
Budget and Authorization to Travel—Report of Committee on Study of Media Industries Adopted.	
Hon. Joan Fraser	546
Hon. Noël A. Kinsella	546
Special Affairs, Science and Technology	
Budget and Authorization to Travel and Engage Services— Report of Committee on Study of State of Health Care System Adopted.	
Hon. Wilbert J. Keon	547
Study on Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship	
Interim Report of Human Rights Committee Adopted.	
Hon. A. Raynell Andreychuk	547
Budget and Authorization to Travel—Report of Committee on Study of International Obligations Regarding Children's Rights and Freedoms Adopted.	
Hon. A. Raynell Andreychuk	548
Budget—Report of Committee on Study of Issues Related to National and International Obligations Adopted.	
Hon. A. Raynell Andreychuk	548
Budget and Authorization to Engage Services—Report of Committee on Study of Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service Adopted.	
Hon. A. Raynell Andreychuk	548
Budget and Authorization to Engage Services—Report of Committee on Study of Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship Adopted.	
Hon. A. Raynell Andreychuk	548
Study on Charitable Giving	
Report of Banking, Trade and Commerce Committee Adopted.	
Hon. Jeremiah S. Grafstein	548
Hon. Lowell Murray	549
Budget and Authorization to Engage Services— Report of Committee on Study of Charitable Giving Adopted.	
Hon. Jeremiah S. Grafstein	550
Budget and Authorization to Engage Services—Report of Committee on Study of State of Domestic and International Financial System Adopted.	
Hon. Jeremiah S. Grafstein	550
Hon. Terry Stratton	550
Hon. John Lynch-Staunton	551
Hon. Paul J. Massicotte	551
Budget and Authorization to Engage Services—Report of Committee on Study of Consumer Issues Arising in Financial Services Sector Adopted.	
Hon. Jeremiah S. Grafstein	551

	PAGE
National Security and Defence	
Budget—Report of Committee on Study of National Security Policy—Debate Suspended.	
Hon. Colin Kenny	551
Hon. Noël A. Kinsella	553
Hon. Lowell Murray	554
Hon. Terry Stratton	555
Hon. George J. Furey	556
Hon. Madeleine Plamondon	557
Hon. Paul J. Massicotte	557
Hon. Percy Downe	557
Hon. Tommy Banks	557
Hon. Willie Adams	559
Hon. Pierre Claude Nolin	560
Hon. Peter A. Stollery	560
Royal Assent	561
National Security and Defence	
Budget—Report of Committee on Study of National Security Policy Adopted.	
Hon. Lowell Murray	561
Hon. Gerald J. Comeau	561
Motion in Amendment.	
Hon. Gerald J. Comeau	562
Hon. Jack Austin	562
Hon. Noël A. Kinsella	562
Hon. George J. Furey	562
Hon. J. Michael Forrestall	563
Hon. Elizabeth Hubley	563
Hon. Jean Lapointe	563
Hon. John Lynch-Staunton	564
Aboriginal Peoples	
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Involvement of Aboriginal Communities and Businesses in Economic Development Activities Adopted.	
Hon. Nick G. Sibbeston	564
Study on National Security Policy	
Report of National Security and Defence Committee Adopted.	
Hon. Colin Kenny	564
Study on Issues Related to Mandate	
Interim Report of the Energy, the Environment and Natural Resources Committee Adopted.	
Hon. Tommy Banks	565
National Security and Defence	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Colin Kenny	565
Hon. Terry Stratton	565
Human Rights	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Terry Stratton	565
Adjournment	
Hon. Bill Rompkey	565
Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

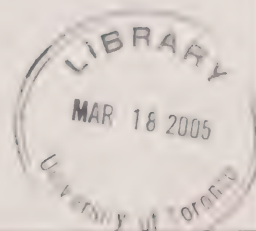
•

NUMBER 29

OFFICIAL REPORT
(HANSARD)

Tuesday, February 1, 2005

—
THE HONOURABLE DAN HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, February 1, 2005

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

ASIAN TSUNAMI

SILENT TRIBUTE TO VICTIMS

The Hon. the Speaker: Honourable senators, before proceeding with today's business, I would ask senators to rise and observe one minute of silence in memory of the victims of the tsunami.

Honourable senators then stood in silent tribute.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Her Excellency, Ene Ergma, of the Riigikogu of the Republic of Estonia. On behalf of all senators, welcome to the Senate of Canada.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE
LOUIS J. ROBICHAUD, P.C., Q.C., C.C.

The Hon. the Speaker: Honourable senators, I have received a letter from the Leader of the Government in the Senate requesting time today for tributes to our former colleague, the Honourable Louis Robichaud, whose death occurred on January 6, 2005.

Hon. Jack Austin (Leader of the Government): Honourable senators, a tribute to our former colleague, Senator Louis Robichaud, is highly merited. Senator Robichaud, when he served as Premier of New Brunswick during the years from 1960-70, led dramatic changes to the rights of Canadians, in particular the rights of Acadians in New Brunswick. What took place in New Brunswick in those years was a metaphor for a revolution in Canadian rights and was part of a process that led to the Charter of Rights and Freedoms in our Constitution.

When Senator Robichaud came to this chamber in 1973, he added greatly to the prestige of the institution. He was a diligent colleague; I served with him for many years. He was gentlemanly, in the old sense of the word — always courteous and helpful. Indeed, he was one of the most significant Canadians of our generation.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, the beautiful words of *Ave Maris Stella* filled the vaulted ceiling of the Acadian Cathedral of Our Lady of the Assumption in Moncton, New Brunswick, as we paid final farewell to our

former colleague and friend, Senator Louis J. Robichaud. Together we celebrated the life of one of the greatest sons of l'Acadie and New Brunswick, a man for whom the words of the Acadian national hymn were virtually written:

Acadia my homeland

To your name I draw myself
My life, my faith belong to you
You will protect me

[Translation]

Elected in 1960 to govern the province, he was the first Acadian Premier of New Brunswick. Louis Robichaud would lead our province for ten years. He made huge strides, achieved real reform and a renaissance and his record has yet to be broken. This dynamic man was convinced that everyone deserved the same economic and social advantages. He was able to reconcile and minimize the differences between the rich and the not-so-rich, and between the anglophones and francophones in our province because he wanted everyone to have equal opportunities and equal advantages.

Convinced of his vision for New Brunswick, he was able to fight social injustice and inequality while changing the course of provincial history with the adoption of the Equal Opportunity program.

Under his leadership, the Legislative Assembly passed official languages legislation, making New Brunswick the first and only officially bilingual province. Furthermore in 1967, under his guidance, the province passed the Human Rights Act and established the Human Rights Commission, on which I had the honour to serve as a member for 23 years.

A man with great vision, Senator Robichaud demonstrated, with his life, the perseverance and pride of the Acadian people, expressed in the words of the *Ave Maris Stella*.

Acadia, my homeland

My land and my challenge
From near, from far you hold onto me
My heart is Acadian

Acadia, my homeland

I live your history
I owe you my pride
I believe in your future

Adieu my friend.

• (1410)

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with a great deal of sadness that I pay tribute to one of our former colleagues, the Honourable Louis Robichaud, who left us on January 6.

Acadian by birth, a politician from 1952, Premier of New Brunswick from 1960 to 1970, a member of the Canadian Senate from 1973 to 2000, Louis Robichaud gave to my province, and to Acadia, their full importance within the Canadian federation.

He launched the Université de Moncton, a French-language institution, in 1963. Four years later, his "Equal Opportunity for All" revolution finally gave all the residents of my province, without exception, the opportunity of contributing to the prosperity of New Brunswick.

The adoption of his Official Languages Act in 1969 made New Brunswick the only officially bilingual province in Canada, and gave equal status to both of our language communities.

He introduced a provincial health insurance plan. He humanized and standardized the tax system in New Brunswick. The scope of the reforms that Louis Robichaud carried out in New Brunswick is really enormous. All the important sectors were modernized: social assistance, the economy, education, taxation, the public service, youth programs, the law, languages, our municipalities, social services and health care.

It is said of Louis Robichaud that he was really the architect of New Brunswick. His convictions and the strength of character that motivated him during these sometimes difficult reforms are simply remarkable. Yes, he spoke well, but his actions spoke even louder.

Honourables senators, I know you must also admire the faith he had in our country. As Robert Pichette wrote in the newspaper, *L'Acadie Nouvelle*, this provincial politician "considered it his natural duty to have a fully Canadian vision, a national vision."

He has left his vision throughout New Brunswick. His name has been given to the comprehensive school at Shediac, and to the physical education and sports centre at the Université de Moncton. His memory will remain in our hearts, our history books and our traditions.

Saint-Antoine has lost a great son. Acadia has lost a great patriot. New Brunswick has lost a great citizen, and Canada has lost a great man.

On behalf of the Senate, I offer my deepest condolences to the family of our former colleague and friend, and for my part, I say, "Adieu, P'tit Louis."

Hon. Gerald J. Comeau: Honourable senators, I rise to add my tribute to Louis J. Robichaud.

The Honourable Louis Robichaud was affectionately known as "P'tit Louis," an acknowledgement of his short stature. Nevertheless, he was a giant, especially among the Acadians in the Atlantic Provinces. He was a man of great courage, conviction and determination.

His achievements are well known. In addition to his accomplishments, Louis aroused and inspired generations of Acadians, beyond his native province of New Brunswick.

I remember very well the positive effect on the Acadians of Nova Scotia when they saw an Acadian become the premier of a Canadian province. It was amazing.

Let us not forget that this was at a time when Acadians were warned to "speak white" when they spoke French in a store, a restaurant or any other business place.

This was a time when people changed their family names from Leblanc to White or from Aucoin to Wedge, in order to be able to find a job.

When I was summoned to the Senate, Louis came to welcome me and, in my mind, I felt I was meeting a legend.

Throughout his exceptional life, Senator Robichaud never lost his burning passion for advancing the cause of the Canadian Francophonie.

In 1992, he organized a group of parliamentarians whose goal was to advance the interests of francophone and Acadian communities in Canada. Louis had persuaded members of both places and different political parties to join with him. In his honour, the group was called the "Louis J. Robichaud parliamentary group".

Yesterday, as I was travelling to Ottawa, I spoke with an Air Canada agent, a woman named Gisèle Allain-Stevens, originally from Darlington, near Dalhousie, in New Brunswick. At the start of our conversation, while we were talking about Louis, her first remark was: He gave us a gift. She told me that when she was in grade 10 she had to walk two miles, every morning and afternoon, to and from school. When Louis was elected, the students were given a school bus and French textbooks in class. What a wonderful gift!

To his family, to his widow Jacqueline, and to his many friends, I offer my most sincere condolences and the assurance that his memory is engraved forever in my heart.

Hon. Fernand Robichaud: Honourable senators, at the beginning of 2005, all of Acadia was plunged into mourning by the news of the death of the Honourable Louis J. Robichaud. The man who had led the Government of New Brunswick during the 1960s had offered to the citizens of his province a vision of a society, and in bringing about that society he worked a real social transformation.

He spoke like a visionary, and his actions were those of a passionate builder. Honourable senators, Louis J. Robichaud had a program that led to the creation of a society that was fairer and more equitable. He had a passionate desire to achieve that vision, and above all, a fierce determination to overcome the obstacles and difficulties that lay in the path of his great work. Who can forget his great achievements, the "Equal Opportunity for All" program, the Official Languages Act and the founding of the Université de Moncton?

His unquenchable thirst for justice and fairness sprang from his devotion to improving the lot of those who were not well off. Poverty in New Brunswick had no language borders. Better than many others, he knew people's needs and he fully understood their deepest hopes.

Honourable senators, Louis J. Robichaud was a man who was close to his roots and a person who had time for everyone. A man of natural charm, he was easy to approach. No matter whom he was speaking to, he took the time to listen attentively.

He was called "P'tit Louis" in some parts of the province and "Ti-Louis" in other parts, always with great affection. People appreciated his sense of humour as well as his serious side. He found time to laugh and was also open to earnest discussion.

People could approach him with their problems, but more important they felt that he had listened to them and understood them. He knew just the right word to comfort someone. He had the intensity to be fully attentive to another person, and a discreet smile to show that he understood.

He was sensitive to the suffering and pain of others. He had a great compassion for people, and by his presence alone he gave hope to others. His vision became an inspiration and his passionate devotion earned admiration.

His message of tolerance and mutual respect was a full reflection of his great humanity, and made him well-loved.

Honourable senators, I firmly believe that Louis J. Robichaud is the most remarkable person in the modern history of Acadia.

I am especially happy that during his lifetime, and particularly in the past few years, his great contribution to the Acadian renaissance and to the building-up of our country was recognized by all Acadians and by many different institutions.

Honourable senators, Louis J. Robichaud should most deservedly rest in peace.

• (1420)

Hon. Pierre Claude Nolin: Honourable senators, I also want to add to these statements in tribute to our colleague, Senator Robichaud. I am not Acadian and that is why I wanted to participate. I am a Quebecker. I am a Canadian whose language is French. Unfortunately, I do not have daily access to what goes on in French Canada outside Quebec.

When I came to the Senate, I discovered Louis Robichaud. I knew right away that he was a soulmate. Senator Robichaud symbolized what I think the Senate of Canada is all about: the defence of the minority rights of Canadians who, for reasons of language, race, or skin colour, are not part of the majority.

Senator Robichaud touched me deeply and that is why I wanted to pay tribute to him. I truly felt the breadth of the great Ti-Louis' influence at the Summit of La Francophonie in Moncton. That is when I realized that Louis Robichaud had made a great contribution to the history of Acadia. I wanted to share this tribute with you.

[English]

The Hon. the Speaker: Honourable senators, I regret to advise that the time for tributes has expired. I have two senators on my list, whom I will call under Senators' Statements.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, it is a sad honour and privilege for me to pay tribute to the late Louis Robichaud. I was five years old when Ti-Louis was elected Premier of New Brunswick. I was in my first year of school and the nuns were teaching us to read from *Bébé Marie Jean* as well as the mandatory *Run, Baby, Run*.

There I was, crammed with 45 others into the little elementary school. There was scarcely any heat in winter, and the nuns let us wear trousers under our skirts, as well as layers of sweaters to ward off the cold.

At the same time, Ti-Louis was busily engaged in Fredericton in laying the foundations for our quiet revolution. Quiet may not be the right word, considering the vigour with which Ti-Louis defended his vision. My father even told me of one occasion, when Ti-Louis was meeting with forestry workers in a hotel in St-Quentin N.B. and got into a fist fight. Of course he won, thereby proving his determination.

My dad was no bigger than Ti-Louis, so he was pretty proud that Louis Robichaud could defend himself well with his fists and not just win with his words.

A few years later, though of course I did not know why, a new school was built in our village. A lot of new teachers were hired. We were taught physics, biology, chemistry and, my friends, we were taught in French. Our less well off families could get help.

No longer did they have to depend on the goodness of neighbours no better off than themselves.

No longer were we called "petit colons" for speaking French.

No more discriminatory taxes.

No more did New Brunswick francophones feel they were second-class citizens, with no education, no power, no future. His equality of opportunity program may not hold much meaning for some people, but for the people of New Brunswick those words define a liberal philosophy that identifies who we are, where we come from, and most particularly where we are headed.

The vision, strength of character and determination of the Honourable Louis Robichaud are sorely lacking in our political arenas today. Too many debates are devoid of vision and justice, too many politicians practice government by polls.

[English]

The Hon. the Speaker: I regret to inform Senator Ringuette that her time has expired. We have a long list and a strict rule.

[Translation]

Hon. Viola Léger: Honourable senators, with great emotion, I add my voice to the swelling hymn of recognition honouring our great Acadian, our great Premier of New Brunswick, our Honourable Senator Louis J. Robichaud.

Vision, passion, courage: the very definition of a giant among us.

Vision: equality of opportunity for everyone, especially through education, in order to enable the Acadian community to emerge from its isolation, to develop and grow, and to participate fully in the program of equal opportunity for all. The founding of the Université de Moncton was a very important step in the history of the Acadian renaissance.

His passion was politics, the only way to fully realize his vision. He was the architect of his program and he made sure that it was adopted by the legislature. His great leadership qualities led to the successful implementation of many new policies when he was Premier of New Brunswick.

[English]

As Dr. Robert Pichette in his eulogy so clearly expressed:

As a true man of vision, Louis Robichaud was neither narrowly parochial, nor exclusively provincial. He was, on the contrary, a stalwart pillar of the Canadian Confederation believing to the end that Canada is very much a work in progress. He could be, and frequently was, passionate in this respect. To him, New Brunswick and, indeed, the other provinces of Atlantic Canada have a significant role to play in the shaping of the Nation's present and future, no matter their size or their populations. On this subject, he sounded at times like a gifted and fiery preacher on a mission! His was a well reasoned commitment to Canada from the heart as much as from his superior intellect.

[Translation]

Dear Louis, what a joy it is to have known you, what pride we feel in trying to follow in your giant footsteps. We cannot fill your shoes, but together, little by little, we will make progress.

I offer my sincere condolences to Jacqueline, Paul, René, Monique, and all of his extended family and friends.

In closing, let me wish you paradise as seen by La Sagouine:

Ain't use' to fancy things. Ain't askin' fer castles, or Californias, or plastic flowers. But if the angels could whip up a wild-duck stew 'n' a store-bought coconut pie, 'n' if our Father-in-Heaven in person could come around 'n' call the

dance on Saturday nights, we wouldn't mind it. Fer a Paradise like that one, we wouldn't whine so much about death ... wouldn't be afraid any more ... we'd croak happy, My God, yes! ...

Farewell, Louis.

[English]

Hon. Senators: Hear, hear!

Hon. Jeremiah S. Grafstein: Honourable senators, Louis Robichaud was a legendary figure who I came to know as I sat behind him here in the Senate chamber. He and his Liberal colleague Charlie McElman ran New Brunswick on a "small l" liberal agenda for over a decade. One of my greatest pleasures in the Senate was to watch and listen to Louis when he spoke in debate. He was, by legend and by fact, one of Canada's greatest "stump" speakers, in both English and French, in all of Canadian history.

• (1430)

When you sat and watched him, you could see the sparks of that brilliance. His spirit, his words, his energy, his mesmerizing talent to persuade his fellow Canadians is one of his lasting legacies. He set such a high standard for public rhetoric that we poor speakers today can only hope to approach the high standards he set. He will be missed, but he will never be forgotten.

Hon. John G. Bryden: Honourable senators, when Louis Robichaud retired, I spoke at length. Today, I will speak briefly about the man and his passing. Louis Robichaud followed Jean Lesage in what was referred to as the Quiet Revolution in Quebec.

New Brunswick's revolution was called the Program of Equal Opportunity by Louis Robichaud. However, it was anything but quiet. As a matter of fact, the man faced relentless, daily attacks. He lived through that. Indeed, his life was threatened, and the police were so concerned about it, they set up surveillance in his house.

Senator Louis Robichaud had a huge impact on Acadians. As has been said repeatedly, he was a proud Acadian. His program and his persona had a huge impact on New Brunswick, on all New Brunswickers and, in particular, on the rural poor in New Brunswick. I happen to be one — and there were lots of us — who did not have the good fortune to be born Acadian. However, he gave our province a tremendous opportunity. As was mentioned, he had some support from certain stalwart anglophones in the community. Without them, as Louis would say, it might not have been possible for him to have seen it through.

I believe that, when the history of our province and of our country is written, no political leader will be found to have had a greater impact on his province or on the citizens of his province than my friend Louis J. Robichaud.

ALZHEIMER SOCIETY OF CANADA AWARENESS MONTH

Hon. Wilfred P. Moore: Honourable senators, next Tuesday, February 8, our Speaker, the Honourable Dan Hays and Speaker Milliken of the other place will be co-hosting a morning coffee reception in the Senate foyer on behalf of the Alzheimer Society of Canada's awareness month. I should like to take a moment of your time today to encourage you to attend this reception.

Dale Goldhawk, whom I am sure many of you know from his many years of television reporting and his work on behalf of Canadian consumers, will be master of ceremonies for this reception. Mr. Goldhawk is the president-elect of the Alzheimer Society of Canada and he will be speaking about the national priorities of that society.

As our colleague Senator Phalen reminded us on October 7 last in this chamber, the statistics on the number of Canadians affected by Alzheimer disease and related dementias are more than alarming. As part of Canada's aging population, we in this chamber need to understand not only the statistics but also the personal reality of living with dementia. That is why this reception is so important. We will also have the opportunity to hear from Marilyn Truscott who is not only a member of the Board of Directors of the Alzheimer Society of Canada, but also a Canadian who has been diagnosed and is living with dementia.

Honourable senators, next Tuesday morning we will have this unique opportunity to learn and understand a little more about living with Alzheimer disease. I hope you will all find time in your busy schedules to attend this important event.

ASIAN TSUNAMI

Hon. Consiglio Di Nino: Honourable senators, on December 26, 2004, Asia was struck by a nearly incomprehensible tragedy. A magnitude-nine earthquake just off the coast of Sumatra triggered one of the greatest natural disasters in human history. The tsunami that swept across the Indian Ocean that day has, to date, cost more than 200,000 lives. In Indonesia, in India, even in Africa, 3,000 miles from the epicentre, men, women and too many children lost their lives. Most of them had already been burdened by life's long indignities of underdevelopment, war and poverty. For people who had suffered more than their share for generations, you would think that would have been enough. That is why an event like the Asian tsunami defies belief. Such an event is beyond comprehension. We who live in the safe and cozy confines of our communities are left to thank God for our blessings and pour out our hearts to the families of those who lost their lives.

However, in tragedies of this size, our condolences and sympathies are not enough, and Canadians recognize that. Thousands of Canadians spontaneously donated millions upon millions of dollars to assist the victims. Benefit concerts were organized, relief organizations were mobilized and the Canadian military was deployed. I am thankful that the Canadian people, of their own accord, were quick to react with generous deeds of overwhelming proportions.

Honourable senators, I do not wish to be negative, but I hope our government will learn from the example set by Canadians and their timely response. I am proud of our reaction to this tragedy, I am proud of the work of our aid organizations, and I am proud of our military.

Honourable senators, the Asian tsunami has taught us some harsh lessons. When this tragedy fades from the headlines, as it certainly will, let us not forget this: Every day, in too many countries all over the world, the slow rolling tsunamis of war, disease, despotism and underdevelopment continue to harvest their victims. The death toll may not be so quickly realized as the death toll resulting from the tsunami of December 26, but the body count, I can assure you, is equally certain and, in time, will be vastly greater.

I hope Canadians, and particularly senators in this chamber keep this in mind when we measure our response to the human tragedies faced in this world every day.

[Translation]

ROUTINE PROCEEDINGS

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—FIRST READING

Hon. Pierre Claude Nolin presented Bill S-23, to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations)

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Nolin, bill placed on the Orders of the Day for second reading two days hence.

• (1440)

COMMISSION OF INQUIRY ON THE SPONSORSHIP PROGRAM

NOTICE OF MOTION

Hon. Pierre Claude Nolin: Honourable senators, I give notice that on Thursday, February 3, 2005, I will move:

That the Senate of Canada hereby calls upon the government to maintain the Commission of Inquiry into the Sponsorship Program and Advertising Activities for as long as necessary to establish the facts and discern the truth, and the Senate of Canada further urges the government to defend the Commission rigorously and reject attempts to impugn the integrity of the Commissioner, Mr. Justice John Howard Gomery.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

VISIT TO CHINA— COMMENTS OF LEADER OF THE GOVERNMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate, whom we welcome back from China and other points.

Senator St. Germain: Libya.

Senator Kinsella: I would like the minister to comment on a report of an interview that he gave whilst in China. The Leader of the Government in the Senate was quoted in the *National Post* as saying:

We have to realize that China is a very big country. It is a very strong administration and it is influenced by the outside world but it needs to be influenced by a calm and developing manner and not in a way that gives deliberate offence.

I could not determine whether it was the *National Post* or the honourable minister who used the word "hector" — which appears earlier in the article. Would Senator Austin tell us what he, as was reported, at least, and as we read it here in Canada, meant when he said that Canadians ought not to be hectoring the Chinese?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Kinsella for the welcome back and issue the same welcome to him and all of our colleagues here in the Senate. I think we will have a busy and, I hope, productive winter and spring session.

With respect to the question, I have no quarrel with the words in quotation in the *National Post* story. I take no responsibility for the editorial comment that preceded my quotation.

The situation in dealing with China is one in which we pursue the relationship on two clear tracks. One is to support and encourage political change in China, based on its evolutionary process. We support change in China through joint university programs and through exchanges of academics who discuss human rights issues, who understand and discuss our concept of rule of law, who discuss our Charter of Rights, and who discuss the undertakings we have made in the international system with respect to individual rights, human rights. We discuss these issues with Chinese government officials and with non-government people at the academic level and in the research centres.

This is an ongoing process, one that takes place every day. We have joint committees with China that deal with these particular subjects.

The second track, of course, is our economic development track. It has been the purpose of governments since Mr. Trudeau — and those include Mr. Mulroney, Mr. Chrétien and, of course, the present government led by Prime Minister Martin — to expand our trade relationship and to bring China into the multilateral trade system. We worked very hard to

facilitate an agreement by which China could join the World Trade Organization. Canada was a successful player in the conditions in which those circumstances were set.

There are a number of other ways in which we work with China. In particular, I might mention the cultural area, where we have a number of two-way cultural exchanges. These cultural exchanges all lead to dialogue with the Chinese at many levels, from the highest level — heads of government — right through the entire structure of Canadian and Chinese society.

China, I need hardly say, is a major factor in world affairs. Canada has a very good standing with China, thanks to what has been a non-partisan policy with respect to Canada-China relations. There have been bumps in the road. The Tiananmen Square demonstration in 1989 created a reaction by the Mulroney government that ceased interaction with China in a number of ways. That was a policy that was followed by the American administration headed by President George Bush at that time. Mr. Chrétien helped restore the commercial relationship and began the dialogue on human rights and other issues in 1994, which I am sure, and, so far as I know, had the support of all parts of Parliament and of the provinces; indeed, premiers of nine provinces accompanied Prime Minister Chrétien to China in November 1994. The absent premier was Premier Parizeau, who made it clear that it was not a question of relations with China that caused his absence.

Finally, honourable senators, I would say that the approach that I favour is to not to hector the Chinese — that is, being rude, being confrontational, lecturing, being moralistic. The best way to proceed with any relationship, whether it be with China or my relationship with anyone in this chamber, is to engage on all levels that can advance a relationship, and to circle and define those differences and come to them as confidence and trust are built in the engagement of the relationship.

Senator Kinsella: I thank the Leader of the Government for that concise answer.

Senator Stratton: It was not succinct, Senator Austin.

Senator Kinsella: I do recognize that the term "hectoring" is somewhat novel in this town, but it is important that Canada maintain a robust pressure on countries such as China in the promotion of our Canadian value of human rights.

To the extent that "hectoring" means the maintenance of robust pressure, I should hope that the government is not changing its policy.

Senator Austin: Honourable senators, "robust pressure" is a good phrase. We put Canadian values very clearly in the minds and awareness of Chinese authorities and Chinese citizens. Indeed, as I have said, there are ongoing studies at senior levels in the Chinese policy system of our parliamentary process. We are quite familiar with the Canada-China Legislative Association. Members on both sides of this house have been to China under its auspices. Meetings take place at all levels dealing with our judicial process and with our administrative process. Therefore, the Chinese are growing aware.

"Hectoring," in my definition, means something different from robust engagement or robust dialogue. It means basically a continuous process of nagging. I do not think that is productive in any relationship.

• (1450)

THE ENVIRONMENT

KYOTO PROTOCOL COMMITMENTS

Hon. W. David Angus: Honourable senators, we have heard much from Canada's Commissioner of the Environment about this government's environmental deficit. She has repeated many times that we have the tools but we are not acting, or, as Jeffery Simpson wrote last weekend in the *The Globe and Mail* in an opinion piece, "The emperor really, really has no clothes." We have heard similar reports from the OECD and numerous respectable environmental organizations concerned about climate change induced by global warming and greenhouse gas emissions.

Now, honourable senators, we are hearing that Canada has no credible or viable plan in place to ensure we meet our target commitments under the Kyoto Protocol to lower greenhouse gas emissions by 6 per cent by 2012. Despite the expenditure of more than \$3 billion of taxpayers' money over the past several years, Canada will, in all likelihood, fall far short of meeting its Kyoto targets.

What new and realistic initiatives does this government have to help rectify Canada's environmental deficit and to help it meet its Kyoto Protocol commitments?

Hon. Jack Austin (Leader of the Government): Honourable senators, I should like to answer the question of Senator Angus in two ways. The first is to acknowledge the commitment made by Canada, which, as he says, is to reduce to six per cent below 1990 levels greenhouse gas emissions emanating from Canada by the first commitment period of 2008-2012. As honourable senators know, the Kyoto Protocol comes into official force on February 16 of this month.

A great deal is being done to address the undertakings that were made on behalf of Canada by the Mulroney government. We are committed to developing a market-based system of greenhouse gas reduction requirements for Canada's largest industries. Much remains, as Senator Angus well knows, in the dialogue between those industries and the Government of Canada with respect to appropriate performance requirements.

If those large industries cannot address the commitments made by the Mulroney government on behalf of Canada, there will be a deficiency which other Canadians will have to make up, including the possibility that taxpayers may have to make it up in acquiring credits from foreign countries.

We are holding extensive consultations with industry generally and with the provinces and other stakeholders, and we are committed to producing a plan of action. I am sure Senator

Angus is also aware that the climate change plan for Canada calls for a regulated system that would deliver a 55-megaton reduction from emissions forecast for 2010. That is equal to a 15 per cent reduction across the board.

The Standing Senate Committee on Energy, the Environment and Natural Resources has been dealing with this issue in terms of what individual Canadians can do. I know that Senator Angus is completely familiar with the one-tonne challenge report of the committee.

The other part of the answer is that the Government of Canada has taken steps between 1998 and 2003 by spending a total of \$3.7 billion to support climate change activities. Half that sum has already been spent, and the balance is budgeted and largely committed. Activities supported by that spending include improving climate science, increasing public awareness, reducing greenhouse gas emissions, developing new technology for longer-term solutions and creating packages of dialogue strategies.

KYOTO PROTOCOL COMMITMENTS— RECOMMENDATIONS OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. W. David Angus: I thank the Leader of the Government for that answer. Without in any way wanting to hector him — on the contrary, in an attempt to engage in a serious dialogue about this serious global problem — I am glad he mentioned the report that the Standing Senate Committee on Energy, the Environment and Natural Resources tabled in this chamber before Christmas.

I was listening carefully to the minister's answer. A number of recommendations, guidelines and signposts on how the government might meet these commitments are in the report. Many of them have to do with tax incentives as opposed to credit buying and selling.

Could the minister tell us whether the government will be addressing in the forthcoming budget or in its planning for this new session of Parliament the clear and succinct recommendations unanimously adopted by the senators on the standing committee?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Angus knows I am not in a position to provide any information about what may be in a forthcoming budget. I do want to repeat that a great deal of work is being done, negotiations are being held with stakeholders, and it is the government's desire to produce a viable plan to meet the Kyoto targets which are Canada's obligation.

Senator Angus: As I drove from Montreal this morning, I noticed out of the corner of my eye a headline saying that the government is planning a green budget. Can the minister comment on that?

Senator Austin: I do not know what the cover of the budget will look like.

Senator Rompkey: St. Patrick's Day.

TRANSPORT

AIRPORT SECURITY— HIRING POLICY FOR PERSONNEL

Hon. Sharon Carstairs: Honourable senators, I would like to know if the Leader of the Government in the Senate can inform the house why a Canadian citizen cannot obtain a position at a Canadian airport for security reasons if that citizen has been out of the country for six months in the previous five years, no matter where the citizen may have been.

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Carstairs gave me notice of this question, and, of course, I have been seeking an answer from the minister responsible for airport security.

I can confirm that it is the policy in recruiting airport staff to require people to document their whereabouts and activities when out of the country for a period which I understand to be six months or more.

I do not have the underlying reason for it, apart from the general answer that someone thinks that there is a security problem if there has been an absence of a longer period. I will seek the answer and provide it to Senator Carstairs.

Senator Carstairs: I thank the honourable leader for trying to seek the answer, as I know he has.

I would ask the leader to also determine why persons who have left the country, perhaps on a Fulbright scholarship or on a Rhodes scholarship, or for a Commonwealth or other country where their security clearance could easily be obtained by local officials for the time spent outside the country, are denied employment opportunities in this country?

Senator Austin: I will continue to seek a realistic and convincing answer.

HEALTH

AVIAN INFLUENZA—OUTBREAKS IN SOUTHEAST ASIA—MONITORING AND SCREENING PROCESSES

Hon. Wilbert J. Keon: Honourable senators, my question for the Leader of the Government in the Senate concerns Canada's defence against the introduction of avian flu into our country.

• (1500)

Since November, 33 people in Thailand and Vietnam have died of this virus. Avian flu has killed 10 people in Thailand in the last three weeks and 12 people in Vietnam in the last month. Scientists are also now studying two separate incidents of suspected human-to-human transmission of avian flu in Vietnam.

Could the Leader of the Government in the Senate make inquiries and report back to us on how Health Canada is monitoring the influence of avian flu in Southeast Asia?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for his question, which relates to a process of monitoring. I will seek information on the precise events that are underway in Canada.

As Senator Keon knows, we have established a public health centre in Winnipeg headed by Dr. Butler-Jones. I will make inquiries.

Senator Keon: Honourable senators, last week the World Health Organization warned that a mutation in the most virulent strain of avian flu could lead to an influenza pandemic. Indeed, public health officials and virologists are, I believe, more frightened of this than they have ever been before.

Could the Leader of the Government in the Senate also find out whether screening processes are already in place at airports in the affected region to help keep people infected with avian flu from getting into the country?

Senator Austin: Honourable senators, I will make inquiries in this regard. This situation deserves the very closest public attention. The warnings are given by serious people and hopefully in time to prevent an influenza pandemic from taking place.

I travelled in Japan, China and Hong Kong in January and saw no evidence of any screening process.

FOREIGN AFFAIRS

SAME-SEX MARRIAGE—INVOLVEMENT OF CHURCH—COMMENTS BY MINISTER

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. To paraphrase recent news releases, Minister of Foreign Affairs Pettigrew has said that the church should butt out of any debate on same-sex marriage. I gather Minister Pettigrew is speaking for the government. Would the Leader of the Government in the Senate please explain exactly what this means to Canadians?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am in the fortunate position of not having seen the statement. I will consider it, and perhaps we could continue this line of questioning tomorrow.

Senator St. Germain: The statement was widely reported in newspapers. If the honourable senator has not seen it, I am sure he will do whatever research is required.

Numerous churches, including the Catholic Church, the Jewish Orthodox Church and various others, feel that their institutions and the freedom of their religion is clearly under attack.

I will continue this line of questioning tomorrow, if I may.

THE ENVIRONMENT

KYOTO PROTOCOL COMMITMENTS—COST ANALYSIS

Hon. Ethel Cochrane: Honourable senators, the costs of meeting this country's Kyoto commitments have been the source of much debate. In 2002, estimates tossed around by numerous authorities pegged the cost at between \$16.5 billion and \$30 billion. Those costs may now have to be revised.

According to a recent leaked federal government document, it appears that Canada will have to do more work than previously thought to meet its targets of reducing greenhouse gases by around six per cent of 1990 levels by 2012. Apparently because of Canada's rapidly growing energy-intensive economy, meeting our Kyoto commitments will entail the reduction of 300 megatonnes of greenhouse gas emissions rather than the previously forecast 240 megatonnes.

Between 1990 and 2002, any improvements in energy efficiency in Canada have been offset by gross domestic product growth of 40 per cent.

In view of this new reality, could the Leader of the Government in the Senate seek to find out whether his government has prepared a revised cost analysis for meeting Canada's Kyoto commitments? Is the government doing a cost analysis that would factor in the cost to the public sector, the private sector and Canada's economy as a whole? If the government is not doing this, could the leader please tell us why that is the case?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government is actively engaged in canvassing the Kyoto performance issues that are required under the Kyoto Protocol, and an analysis of the economic costs and benefits of Kyoto is a part of that process. These are not documents that are in the public domain at this time. They are part of the ongoing process of policy development.

Senator Cochrane: Honourable senators, some groups and individuals have asserted that any costs of reducing greenhouse gases would be offset by increased energy efficiencies or savings in reduced energy inputs that would be brought about by the implementation of new technologies, new systems and new standards. As examples, British Petroleum and Dow Chemical have reportedly had considerable success in significantly reducing greenhouse gas output and saving money at the same time.

Could the leader find out whether the government has done any studies of scenarios in which the public sector, the private sector and Canada's economy might enjoy long-term savings through measures to reduce greenhouse gas emissions? If so, could they be made available in the public domain? If no studies of this nature have been done by the federal government, I wonder why not.

Senator Austin: Honourable senators, there are studies available of the kind to which Senator Cochrane refers. On the Environment Canada website there is an inventory of all the studies that have been published. There are also studies that are part of the ongoing development of the plan of action of the Government of Canada with respect to Kyoto which, of course, has not been announced, is under development, and hopefully will be announced within a reasonably short time frame.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present eight delayed answers in response to oral questions posed in the Senate. The first is in response to an oral question raised on December 15 by Senator Spivak regarding ill effects of the

contraceptive Depo-Provera, parliamentary review, aid to users. The second is in response to an oral question raised in the Senate on December 14 by Senator St. Germain concerning bovine spongiform encephalopathy, aid to the cattle industry. The third is in response to Senator Stratton's question of December 14, regarding maintenance of the Tutor aircraft. The fourth is in response to an oral question posed in the Senate by Senator Di Nino concerning military assignments in foreign theatres. The fifth is in response to an oral question posed in the Senate on November 23 by Senator Forrestall relating to Arctic sovereignty. The sixth is in response to an oral question posed by Senator Forrestall on the subject of purchasing land in Gatineau for a new National Defence Headquarters building. The seventh is in response to an oral question raised on December 14 by Senator Keon regarding monitoring of inhibitor drugs. The eighth is in response to a question raised on December 14 by Senator Meighen regarding search and rescue capability at CFB Moose Jaw.

HEALTH

ILL EFFECTS OF CONTRACEPTIVE DEPO-PROVERA—PARLIAMENTARY REVIEW— AID TO USERS

(Response to question raised by Hon. Mira Spivak on December 15, 2004)

All marketed therapeutic health products have benefits and risks associated with their use. The benefit of a health product must always be considered against the potential risk to that patient.

Many women who are estrogen-intolerant or unable to comply with a daily contraceptive regimen benefit from taking Depo-Provera®.

The current prescribing information (Product Monograph) for Depo-Provera® contains warnings for bone mineral density changes, indicating that Depo-provera® may be a risk factor for osteoporosis. The prescribing information also addresses other adverse effects that may occur with the use of this injectable contraceptive method.

Depo-Provera® should only be used as a long term birth control method (longer than 2 years) if other methods are inadequate. Other birth control methods should be considered in the risk/benefit analysis for the use of Depo-Provera® contraceptive injection in women with osteoporosis risk factors.

On November 18, 2004, Pfizer Canada issued a Dear Healthcare Professional Letter (DHPL) to healthcare professionals, informing them about the updated safety information, which suggested that women who use Depo-provera® contraceptive injection may lose significant bone mineral density (BMD). Bone loss was seen to be greater with increasing duration of use and may not be completely reversible. This information is currently available on Health Canada's website.

Health Canada is presently reviewing recent studies and upon finalizing the review of this new data, may adopt additional risk management measures such as (but not limited to) updating prescribing information as well as instructions to patient information regarding Depo-Provera's effects on bone mineral density.

If a decision is made to proceed with parliamentary hearings on the approval and post-marketing review processes for Depo-Provera, the post-approval surveillance program from Health Canada will provide full disclosure of the information at hand.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

(Response to question raised by Hon. Gerry St. Germain on December 14, 2004)

The Canadian Dairy Commission (CDC) announced on December 10th that, effective February 1, 2005, the support price for skim milk powder will increase from \$5.3928 to \$5.7282 per kilogram, and the support price for butter, from \$6.2968 to \$6.8695 per kilogram. Support prices are the prices at which the CDC buys and sells butter and skim milk powder to balance seasonal supply and demand changes on the domestic market. Support prices are also used as references by provincial marketing boards to price milk sold to processors who manufacture dairy products such as butter, skim milk powder, cheese, yogurt and ice cream.

For dairy producers, the higher support prices should translate into a price increase of 3.34 ¢ per litre for industrial milk, or 5.2 percent. Also included in the new support prices is an add-on of 1.66 ¢ per litre to offset some of the negative impacts of the BSE crisis on farms. Dairy farmers should therefore receive an increase of 5 ¢ per litre, or 7.8 percent.

With this announcement, the CDC reaches a compromise between the representations of the various stakeholders of the industry and at the same time, fulfills two important commitments.

The first commitment was made in 2002, when the CDC said that, by 2006, the support prices would cover the cost of production of 50 percent of Canadian dairy farmers. The second commitment was made last July, when the CDC reviewed support prices in light of the mad cow crisis. At that time, Commissioners of the CDC decided not to adjust support prices on September 1, 2004, thereby following the recommendations made by restaurants, grocery stores and consumer groups. However, Commissioners indicated at the time that the impact of BSE would be taken into account during the December 2004 price review.

During the December 2004 pricing consultations, some groups advised the Commission that, if a BSE compensation was included in the industrial milk price increase, this compensation should be clearly identified as such. The

Commission has clearly indicated in its announcement which part of the increase was a BSE add-on and also stated that the need for this add-on would be reviewed in December 2005. At that point and depending on the BSE situation, this add-on could increase, decrease or be removed entirely.

NATIONAL DEFENCE

SNOWBIRDS—MAINTENANCE OF AIRCRAFT

(Response to question raised by Hon. Terry Stratton on December 14, 2004)

The Tutor aircraft are impeccably maintained. Anyone who has seen the Snowbirds perform knows that both the pilots and technicians are extremely proud of these aircraft.

The Snowbirds Crew Chief has said that the jets undergo regular inspection from top to bottom before take-off, in between flights and at the end of a day of flying.

The most recent five-year average shows that the Tutor aircraft requires 8.4 hours of maintenance for every hour of flying.

TROOPS ON ASSIGNMENT IN FOREIGN THEATRES

(Response to question raised by Hon. Consiglio Di Nino on December 8, 2004)

As of the week of 6 December 2004, the Canadian Forces had the following personnel deployed in Haiti, Africa and Afghanistan:

- There are two personnel with the UN Stabilization Mission in Haiti (MINUSTAH).
- There are currently eight personnel with the UN Mission in the Democratic Republic of Congo (MONUC). There are five personnel with the UN Mission in Sierra Leone (UNAMSIL). There are eight personnel with the International Military Assistance Training Team (MATT) in Sierra Leone. There are two personnel in Ethiopia advising the African Union military leadership. There are two personnel in Khartoum, Sudan, with the UN Multinational Standing High Readiness Brigade.
- There are currently 1018 personnel deployed in support of Canadian Forces operations in Afghanistan.

Overall, the Canadian Forces are participating in 18 international missions, with approximately 1430 personnel deployed abroad.

Canada has also agreed to establish a Provincial Reconstruction Team in Afghanistan.

The Government is committed to playing an important role in Afghanistan and our contribution of a Provincial Reconstruction Team reflects this promise.

With respect to a Provincial Reconstruction Team, following discussions with our Allies, our current preference is Kandahar, where we believe Canada could make the most effective contribution.

We are talking with our Allies to work out the details for our participation. Further planning will be required before we can determine exactly how many troops will be required to meet this commitment.

FOREIGN SHIPS IN CANADIAN WATERS— PROTECTION OF NORTHERN WATERS

(Response to question raised by Hon. J. Michael Forrestall on November 23, 2004)

The Government of Canada introduced in August 1977 a voluntary offshore traffic regulation service provided by the Marine Communications and Traffic Service (MCTS) of the Canadian Coast Guard. The service operates under the acronym NORDREG. The service was to screen vessels on behalf of Transport Canada as the marine safety regulator for compliance with Canadian legislated safety and pollution prevention standards.

The fundamental objective of NORDREG is to facilitate the safe and efficient movement of marine traffic, to safeguard the environment and to strengthen Canadian sovereignty in Arctic waters. NORDREG is located at Iqaluit (NT) and operates on a 24-hour basis from mid-June to approximately the end of November. NORDREG is the only one of the three Canadian vessel traffic zones that is not compulsory. It promotes voluntary compliance to marine ship safety and pollution prevention standards. Further, NORDREG is the only tool currently available to provide users with a complete picture of marine traffic in Arctic Canada.

During the 2004 Arctic shipping season, a total of 61 Canadian and non-domestic vessels reported to NORDREG, generating a total of 107 voyages in Northern waters. Annex A provides a breakdown of foreign and Canadian shipping during the season. However, this data excludes local community traffic (mostly small vessels), the Davis Strait fishing fleet, fishing vessels and, of course, vessels not complying with the voluntary reporting requirements. While there is no regulatory means to force compliance, vessels generally comply with the reporting requirements. In addition, it should be noted that all vessels serving the Port of Churchill are required by the *Port of Churchill Assurance Clause* to participate in NORDREG in order to qualify for insurance coverage.

Further to these Coast Guard activities, National Defence monitors Arctic activities and have their own capacity. The Department of Foreign Affairs and International Trade is the lead government department for sovereignty.

LOCATION OF NEW HEADQUARTERS

(Response to question raised by Hon. J. Michael Forrestall on December 14, 2004)

Moving National Defence Headquarters is not a priority at the moment. However, over the medium to long-term, we could consider that option.

National Defence is currently focused on the Defence Policy Review and the acquisition of new equipment for the Canadian Forces. These are our priorities.

National Defence will continue to work with PWGSC to address our long-term accommodation needs.

HEALTH

MONITORING OF INHIBITOR DRUGS

(Response to question raised by Hon. Wilbert J. Keon on December 14, 2004)

Health Canada has received a publicly available summary of the clinical trial data that led to the withdrawal of Vioxx from the market, and is pursuing more detailed information at this time.

Health Canada has also received data from recent clinical trials using Bextra following heart and other surgeries from the manufacturer, Pfizer. A preliminary review of these trials has been completed and Health Canada is analyzing them in further detail.

Additional Comments

Health Canada issued an advisory on December 22, 2004, recommending that “[u]ntil further information from long-term clinical trials becomes available, one should consider that there is a strong possibility of an increased risk of cardiovascular events, including heart attack and stroke, when using selective COX-2 inhibitor NSAIDs [non-steroidal anti-inflammatory drugs].” Patients are advised to discuss the benefits and risks of treatment options with their physician.

NATIONAL DEFENCE

MOOSE JAW—AVAILABILITY OF SEARCH AND RESCUE HELICOPTERS

(Response to question raised by Hon. Michael A. Meighen on December 14, 2004)

The training area in Moose Jaw is in a region that has good road access and other civilian infrastructure, unlike other more remote training areas, such as Cold Lake and Bagotville.

For this reason, it was decided in 1993 that search and rescue could be adequately provided by a ground-based team. This decision was validated in a 1994 Air Force study that confirmed that a fully equipped and well-trained ground search and rescue team is sufficient to meet the requirements of CFB Moose Jaw.

Indeed, the swift response of the civilian ambulance to the 10 December 2004 training accident demonstrated the validity of this decision.

The military was satisfied with the search and rescue response to this incident. It has said that the site was accessible by road and that the rescue team acted immediately. In fact, the Commanding Officer of the Snowbirds said the response was entirely appropriate and that he was "extremely impressed with the reaction time."

Further, an air search and rescue capability is not always useful, even if it is available. For example, in severe weather conditions, a helicopter would not be able to fly, while a ground vehicle would still be able to reach a crash site.

breeding season. Their population is declining by about 10 per cent per year, a serious rate of loss that cannot continue indefinitely.

Probably the greatest threat to this species is chronic oil pollution, the subject dealt with in Bill C-15. Although the measurement of losses is difficult, a study quoted by Falklands Conservation indicated the death of 44,000 birds annually off the coast of Argentina, where some ships ignore international rules by releasing dirty water contaminated with oil.

Let us turn our attention north to Canadian waters. We do not have penguins here, but we do have ecologically similar birds called alcids. In fact, our alcids look and behave a lot like penguins. An important difference is that they can fly. One type of alcid is the thick-billed murre which breeds in large, cliff-side, Canadian Arctic colonies. Thick-billed murren migrate to winter in Canada's Atlantic waters, just as the Magellanic penguin migrates to Patagonia. However, the situation in Canada is even worse than what I described in relation to the Falkland penguins. The combination of rich biological resources and dense shipping traffic in places such as our Grand Banks, combined with the numbing cold of the North Atlantic, makes this area of Canada one of the most deadly places in the world for the contamination and death of wintering sea birds due to oily discharge from ships.

Hundreds of thousands of birds are killed every year off our Atlantic coast alone. In an average year, perhaps 300,000 die. All of this loss occurs because a small contingent of ships — probably less than 5 per cent — insists on trying to save time and money by illegally discharging their oily wastes at sea. It sickens me that illegal and unnecessary oil pollution kills so many birds. Canada must be able to carry out effective enforcement of its environmental legislation. It must be able to stop the wasteful and unnecessary killing of masses of sea birds. That is the rationale behind Bill C-15.

Honourable senators, the major conservation organizations in this country, all federal political parties, our Atlantic provincial governments and many citizens from coastal areas have voiced support for this bill. Nevertheless, there are some in the shipping business who do not join in that support. The fishing industry aired certain points of concern during hearings on this bill before the House of Commons Standing Committee on Environment and Sustainable Development, and those have been reported in the media since then. Among those concerns were claims that there was insufficient opportunity for consultation, that the bill runs counter to international treaties, and that it will create new criminal penalties for trivial offences.

My response is that the bill is not in conflict with Canada's international obligations. As for the claim that new criminal penalties will be created by passage of the bill for trivial offences, much of the industry position is based on the incorrect premise that the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999 do not currently apply to cases of oil pollution. Honourable senators, the regulations under the Migratory Birds Convention Act, 1994 that prohibit the deposit of oil in water inhabited by migratory birds have been in place since 1948. The disposal-at-sea provisions in the Canadian Environmental Protection Act, 1999 currently prohibit the disposal of waste at sea, except in relation to disposal incidental to the normal operations of a ship.

ORDERS OF THE DAY

MIGRATORY BIRDS CONVENTION ACT, 1994 CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Elizabeth Hubley moved second reading of Bill C-15, to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999.

She said: Honourable senators, I am pleased to speak today about Bill C-15 to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999. This bill will strengthen the Government of Canada's hand in dealing with the serious problem of birds being killed by oil discharged at sea by ships that do not respect Canadian pollution control standards, which are based on standards contained in international agreements signed and implemented by Canada through its domestic laws.

Canada is not alone in its struggle to keep deadly oil out of waters inhabited by birds. Many nations of the world face the unhappy spectacle of birds being killed by marine oil pollution.

I recently visited the Falklands, an isolated group of islands in the South Atlantic. Five species of penguin are known to breed on those islands. I am sorry to say that all five species are in decline. One of the most serious threats to the world's penguins is contamination by oil. Just as in the case of birds killed in Canada, it is not only the spectacular and famous spills that are causing the long-term declines of penguins, but also the many smaller spills of oil from chronic, illegal discharges by passing ships.

Oil destroys the waterproofing provided by a penguin's feathers, and cold sea water seeps in to the lower layers of insulation. One of the Falkland Islands penguin species is the Magellanic penguin, which is found on those islands during the

The rules regarding pollution in Bill C-15 are not new. The bill does not create a new compliance regime. It updates existing law and recognizes established standards. Bill C-15 does not introduce a new policy approach. We cannot consider the bill in isolation from the acts it amends. Without Bill C-15, Environment Canada would continue to enforce these acts in cases of oil pollution, but under a less clear legal framework.

To determine what Bill C-15 offers in substance, we must consider its details and assess how it will improve upon the current legislation. I will give you one example. While the Migratory Birds Convention Act, 1994 already applies in Canada's exclusive economic zone, and although the deposit of oil there is prohibited by regulations under that act, federal officers who enforce the legislation do not have clear protection in law from crimes such as assault, murder or bribery while they are carrying out their duties.

The Migratory Birds Convention Act, 1994, provides for the laying of charges against individuals and corporations. In the case of an offence on board a ship, it can be very difficult to determine culpability as many individuals are involved in the ship's activities, from its crew members and officers to the captains, owners and operators.

• (1520)

Bill C-15 makes it possible to charge the vessel in cases where the appropriate person in charge can be identified. It makes it incumbent on those in charge of a vessel to take reasonable care to ensure that the vessel and the persons on board comply with the prohibition against pollution. It also provides protection for whistleblowing crew members. Bill C-15 was also amended in the other place to address this issue and it fixes that. It is good legislation.

Bill C-15 was improved by the other place through an amendment at second reading. The amendment will now provide minimum fines for the largest ships, those over 5,000 tonnes, and directs Migratory Birds Convention Act, 1994, fines to the environmental damages fund. Indeed, the vote to approve this bill in the other place was unanimous.

Has there been enough consultation on this bill? While parts of the shipping industry remain concerned, I believe that the Government of Canada has made good efforts on consultations to this point. In fact, we have been encouraging action on the issue of ship-source pollution for several years now.

I will review some of the consultation that has taken place with concerned people, who were all the while conscious that hundreds of thousands of seabirds were dying every winter. Since 1998, Environment Canada has been a regular participant at the Canadian Marine Advisory Council, working to educate the shipping industry and industry regulators about the killing of seabirds from bilge oil.

Environment Canada, together with Transport Canada, also presented the marine protection committee of the international marine organization with two papers on the problem in the late 1990s. There has been advance notice of its legislation. In fact, Bill C-15 is not new; it is simply a refinement of Bill C-34, which

passed third reading in the other place with allparty support in the last Parliament. A thorough briefing on the reintroduced Bill C-15 for shipping representatives took place at the Canadian Marine Advisory Council last November.

Honourable senators, we could discuss the reaction of the fishing industry at length. We know that industry generally supports initiatives designed to sanction those who fail to respect environmental rules and regulations. We know that they do not want the few bad ships that pollute to escape while good ships spend time and money to comply with the rules. However, some shipping industry representatives have expressed concerns about Bill C-15 that I believe come from a misunderstanding of the bill and of the existing laws.

As I have already said, honourable senators, the Migratory Birds Convention Act, 1994, and the Canadian Environmental Protection Act, 1999, already apply to oil in marine waters. The proposed revised acts do not add any new prohibitions for companies already acting lawfully. The bill is aimed entirely at those whose actions are already against the law.

Let us remember that the Migratory Birds Convention Act, 1994, and the Canadian Environmental Protection Act, 1999, are mainstays of Canadian legislation for the protection of the environment and biological diversity. Bill C-15 clarifies the ability to enforce these acts for the protection of birds from oiling at sea; however, it also improves the acts in more general ways. For example, Bill C-15 adds sentencing guidelines to the Migratory Birds Convention Act, 1994, to help guide the courts in imposing sentences that are commensurate and proportional to offences under the migratory birds legislation.

In passing this legislation, we will be acting on behalf of clean oceans, healthy marine life, sustainable populations of migratory birds across the country, and a sound and competitive Canadian economy.

In full observance of our commitments under the United Nations Convention on the Law of the Sea, we will be managing our natural resources in a way that other countries will emulate. Canada is currently known as a country where polluting ships can "get away with it."

We do not want Canada to be known as one of the worst places for the killing of birds by oil. Instead, it should be leading in the international effort to curtail this scourge. By approving Bill C-15, we will be sending a message to international shipping businesses that, while ship traffic is welcome here, ships that dump their oil and kill birds are not. It is a message that will ring true with other jurisdictions, from the Falkland Islands, where penguins are dying, to Alaska, to Northern Europe and to every other place where people are fighting the slaughter of birds by oil at sea.

I believe that honourable senators will see and understand the merits of Bill C-15 as we move forward with the consideration of the proposed legislation.

On motion of Senator Cochrane, debate adjourned.

[Translation]

**BILL TO CHANGE BOUNDARIES
OF ACADIE—BATHURST AND MIRAMICHI
ELECTORAL DISTRICTS**

SECOND READING

Hon. Rose-Marie Losier-Cool moved second reading of Bill C-36, to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts.

She said: Honourable senators, I am pleased to launch the debate at second reading of Bill C-36, to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts.

Those of you who are familiar with the process of revising the electoral map will, no doubt, be surprised to see such a bill. This bill is unusual and is the result of a Federal Court of Canada decision handed down last May, accepting the recommendations of an independent commission, which tabled its final report on December 9 in the other House.

Before describing the bill, which is very brief, allow me to explain the background in more detail. The usual process for adjusting the boundaries of electoral ridings is set out in the Electoral Boundaries Readjustment Act. The process has been in use since 1965. Following each decennial census, the act provides for the creation of 10 electoral boundaries commissions to determine the electoral map for each of the provinces.

Once the commissions have completed their work, the Chief Electoral Officer prepares a draft representation order and forwards the order to the minister responsible. The Governor-in-Council then has five days to give the order force of law by proclamation with no possibility of amending the order.

The process is also designed to ensure that the readjustment of electoral boundaries is free from partisan interests. The most recent readjustment following the 2001 census resulted in the adoption of a representation order in 2003, which came into effect with the dissolution of Parliament, on May 23, 2004.

However, in September 2003, residents and organizations of the Bathurst region of New Brunswick took their case to the Federal Court of Canada to challenge the validity of the 2003 order for two ridings in that province: Acadie—Bathurst and Miramichi. These people were opposed to the transfer of certain francophone areas, specifically parts of the parishes of Bathurst and of Allardville, from the mainly francophone riding of Acadie—Bathurst, and the largely anglophone riding of Miramichi. The Federal Court accepted their argument on May 11, 2004, and ruled that the electoral boundaries commission for New Brunswick had made an error in transferring those parishes.

The Federal Court concluded that the commission had not taken sufficient consideration of the community of interests, in particular, the language profile of the two provinces, the two parishes.

• (1530)

However, the court suspended its decision for a period of one year, until May 11, 2005, to allow time for corrective measures to be taken. The government decided not to appeal the decision.

It was because of all these events that last autumn the government created the Miramichi and Acadie—Bathurst Electoral Boundaries Commission.

The Electoral Boundaries Readjustment Act does not provide any mechanism other than the usual decennial census for establishing an electoral boundaries commission or for amending the electoral map.

However, the government decided that it was essential that an independent commission should review the delineation of the boundaries between the two ridings. The Federal Court, quite properly, had itself refused to set the boundaries.

The government put two questions. First, must both the francophone parishes of Bathurst and Allardville be returned to the riding of Acadie—Bathurst or just one of the two? Should certain parts of the parishes remain in the riding of Miramichi, and if so, which parts?

In addition to the matter of the boundary, it was important to preserve the principle of having recourse to an independent commission without parliamentary membership. There could be no question of elected persons themselves deciding the boundary as had been the case.

Since it could not use the provisions of the Electoral Boundaries Readjustment Act, the government looked to the Inquiries Act as the basis for establishing an independent commission.

That commission was established in October 2004. Its composition and its mandate were designed to reflect as closely as possible the usual process under the Electoral Boundaries Readjustment Act.

To reflect the usual process, Judge Joseph Daigle, who was named on the recommendation of the Chief Justice of New Brunswick, served as chair of the commission. The other members were Lorio Roy and Pierre Foucher.

The commission's mandate was limited to reviewing the invalidated part of the boundary between the two ridings. It was not a matter of questioning the entire electoral map of New Brunswick.

The commission considered the issues and, on November 6, 2004, it published a notice proposing the transfer of the parishes of Bathurst and Allardville from the riding of Miramichi to the riding of Acadie—Bathurst, where they had previously been located.

In other words, it proposed a return to the situation as it had been prior to the last electoral distribution, in accordance with the wishes of the applicants to the federal court.

The commission held public hearings on November 17 and 18, and at these there was general support for the proposed changes. There were no objections.

After the public hearings, the commission tabled an interim report on December 2, 2004. The following day, it was tabled in the other place for study in parliamentary committee. Once again, the purpose of this was to reflect the usual process.

The Procedure and House Affairs Committee of the House of Commons studied the interim report on December 7. In its 19th report to the House, the committee reported that there was no objection to the changes proposed by the commission.

In this context, given the unanimous support for the proposals and the preliminary commission report, the commission repeated its conclusions in the final report, dated December 8, 2004.

Honourable senators, moving on to Bill C-36, this is a bill intended to simply apply the conclusions by the independent commission and to comply with the federal court ruling.

The bill would restore to the electoral district of Acadie—Bathurst the parishes of Bathurst and Allardville, which had been transferred to the Miramichi electoral district.

The MPs for the two electoral districts concerned approve of the change. I too believe that the proposed amendment is a good thing for the communities concerned. That, however, is not what we need to ask ourselves now as senators.

It is no longer a matter of asking ourselves whether the line between electoral districts ought to be here or there. That was up to the commission to decide, not us parliamentarians.

The standard process according to the Electoral Boundaries Readjustment Act is that the boundaries are the responsibility of the commissions. The commissions consult the population and the parliamentarians, but once these commissions have finished their work, the Governor-in-Council must follow up on their conclusions without further delay.

We too must demonstrate the same spirit of non-interference. On this topic, I am pleased to see the speed with which the other House dealt with this bill, unanimously, without seeking to question the commission's work. There is not yet any mechanism in the Electoral Boundaries Readjustment Act which could remedy the exceptional situation which has occurred in Acadie—Bathurst. I am speaking here of the dispute in the Federal Court.

Without such a mechanism in the act, the government has done the right thing by creating an independent commission and introducing a bill to implement its conclusions.

The parties in the other House recognized this unanimously. Now it is our turn to allow the commission's conclusions to take effect.

[Senator Losier-Cool]

Let me provide some details about when the proposed changes in electoral boundaries would take effect. The bill provides that the changes in the representation order of 2003 will not come into force until the next dissolution of Parliament, in order to avoid a by-election.

But at the urging of the Chief Electoral Officer, an implementation period of three months will be necessary after Royal Assent.

If an election were called within those three months, the current boundaries of both electoral districts would be applied, unless the Chief Electoral Officer were to publish a notice in the *Canada Gazette* indicating that the necessary preparations for bringing them into operation had been completed.

In conclusion, this bill is simple but absolutely necessary, and will correct a flaw, which has been recognized by the Federal Court, regarding the boundaries between two ridings.

As we consider this bill, we must keep two essential elements in mind. First, the importance of respecting the independence of the special commission created to study the issue. Second, the importance of respecting the May 11, 2005 deadline set by the Federal Court.

For these two reasons, we must pass Bill C-36.

[English]

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I rise to speak in support of the principle of Bill C-36. The bill will fix that which was broken. However, a lesson must be learned from the fact that something was broken in the process and Parliament must now present this bill to remedy the problem. Had the proper steps been followed in the first instance, it would be unnecessary to revisit this issue, which was brought to light as a result of a court judgment.

Senator Losier-Cool has outlined succinctly the history of the matter which led to the introduction of this bill. However, there is a larger question that I might canvas for a moment. Honourable senators will recall that both chambers dealt with electoral readjustments last year.

• (1540)

The then Leader of the Government in the House of Commons and Minister Responsible for Democratic Reform, as it was called, the Honourable Mr. Saada, reinstated Bill C-5, respecting the effective date of the representation order of 2003. The purpose of the bill, honourable senators will recall, was to accelerate the coming into force of new electoral boundaries.

When that bill was before the Standing Senate Committee on Legal and Constitutional Affairs, my colleague Senator Lynch-Staunton questioned Minister Saada on the rationale for the bill. There was a concern that the implementation of the representation order was being accelerated for partisan purposes.

The government wanted to go to the polls sooner rather than later. It did not want to have to wait until August 2004 and preferred April 1, 2004 as the operative date for the implementation of the boundaries.

As we all know, an election was called on May 23, 2004, and a vote held on June 28, 2004. Given the results, maybe the government, with hindsight, should have followed the recommendation from the opposition at the time.

However, I want to quote from Minister Saada's testimony before our own Standing Senate Committee on Legal and Constitutional Affairs on February 25, 2004, where he stated the following:

The choice of April 1, 2004, as the operative date stipulated in Bill C-5 would ensure that if an election is called this spring or summer, it will be held under the new electoral boundaries.

From the outset, honourable senators, we see problems with the approach of the government to this process.

The issue of electoral readjustment was politicized. Concerned individuals and organizations in the Bathurst region of New Brunswick complained and questioned the validity of the 2003 representation order. They were against the transferring of certain francophone regions from the riding of Acadie—Bathurst to the neighbouring riding of Miramichi. Their concerns were ultimately found to be valid.

Two years ago, in February 2003, you will recall that the Commissioner of Official Languages received three complaints by individuals who disagreed with the Federal Electoral Boundaries Commission decision to alter the constituencies of Miramichi and Acadie—Bathurst. At issue was the recommendation to move the parish of Allardville and part of the parishes of Saumarez and Bathurst from the riding of Acadie—Bathurst to the riding of Miramichi. The Commissioner of Official Languages agreed with the complainants. The commissioner said:

The Commission's report has not persuaded me that it fully examined the impact of its recommendations on the development and vitality of the official language minority community in the electoral district of Acadie—Bathurst, and I cannot conclude from it that the Commission has discharged its responsibilities in that respect under section 41 of the Official Languages Act.

To remind honourable senators, section 41 of the Official Languages Act provides that:

The Government of Canada is committed to

(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and

(b) fostering the full recognition and use of both English and French in Canadian society.

On May 11, 2004, the Federal Court of Canada ruled in favour of the individuals who had launched the complaint. I should note some of the issues that are considered when a commission is studying electoral district formation. They include community of interest, identity, the historical distinctiveness of the province, its geographic considerations, and the population.

Community of interest can be interpreted in a variety of ways and it is a concept that has been studied and analyzed over many years.

Honourable senators, I should like to address these issues in greater detail, but I am sensitive to the time, and perhaps in committee there will be an opportunity to do that.

I do, however, want to cite one of the passages in the judgment by the federal court that spoke to the need of independence of the commissions. Senator Losier-Cool has also drawn our attention to this issue. The federal court writes:

A non-partisan and independent commission is established to examine existing electoral boundaries and make appropriate changes...

In this instance, even when the original process for electoral readjustment was underway in 2002, individuals who lived in the riding of Acadie—Bathurst asked that the parishes of Allardville, Saumarez and others be left in Acadie—Bathurst. They were of the belief that the community of interest was best served by these parishes remaining in Acadie—Bathurst.

I would also note that a petition signed by 2,656 people was presented to the commission. Nonetheless, the commission recommended that those parishes be moved to the electoral district of Miramichi. The individuals affected by these decisions continued to express their grievances and finally their voices were heard.

Those citizens endured through the court process, the decision of the court and then the drafting of this legislation. They deserve credit for their fortitude and for sticking with it to bring us to this stage. Consequently, I would support the motion of Senator Losier-Cool that this bill be adopted at second reading.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I am quite familiar with the situation which existed and which resulted in a decision that seemed to satisfy the people concerned.

I would have liked Senator Kinsella to talk more about the "community of interest" factor as something the commissioners must take into consideration in keeping electoral boundaries or establishing new ones.

It has been a while since I read the Elections Act. I do not think I will need to, since I left elected politics a long time ago and have no intention of returning there. If memory serves me correctly, during my early years in the Senate there was a referral to committee on amendments to the Elections Act. Among the factors that needed to be taken into account was the issue of "community of interest," which can involve religion, certainly language, culture, traditional practices in terms of trade, commerce, hospital services and many other things.

In my region, in northwest New Brunswick, the commission changed the electoral boundaries. I would not say they do not make sense, but they do not give enough weight to the "community of interest" factor broadly speaking.

The parish of Saint-André is a predominantly French-speaking parish in northwest New Brunswick, which is predominantly French-speaking. Saint-André is now grouped with Grand Sault which, together with the riding of Victoria, made up the riding of Carleton—Woodstock up to the outskirts of Fredericton. This new riding is represented by someone I really like by the name of Andy Savoy. Mr. Savoy is bilingual and does excellent work. He won by a strong majority in the last election.

• (1550)

But the fact is that, traditionally, almost since the electoral district of Madawaska was created, Saint-André had always been included within the boundaries of Madawaska—Madawaska-Restigouche or Madawaska-Victoria—because the north-western part of the riding of Victoria is mostly French-speaking. That is where the language border lies, then running south of Grand-Sault down to Fredericton. So an established historical tradition has been broken with, one that has been recognized by one boundary commission after another over the years.

Decisions of this kind can have an impact on the homogeneity of cultural and linguistic communities. When I say this, with respect to Andy Savoy's riding, I am not criticizing, but the fact is that the people of Saint-André have lost their traditional ties to the greater Madawaska. That, to me, reflects the fact that the commission at the time that first established this new electoral district, did not take sufficient note of such factors as the community of interests. I think this is regrettable because it will have long-term effects. Obviously we cannot predict what they will be, but they are like groundwater, ever present, sometimes disappearing, sometimes rising to the surface. That is one way of saying that if we do not pay critical attention to people's homogeneity, their interests, be they linguistic, cultural, commercial or other, we destroy the very soul of the community. The commissioners have an obligation to take this into account. This change has been recognized in the case that Senator Losier-Cool has illustrated so well for us, and I thank her for all the technical points she mentioned.

The next time electoral boundaries are revised, even though I do not want to very much, I will get involved to satisfy myself that this community of interest factor is more fully recognized and respected by the commissions. Otherwise, our minorities are at risk of being slowly swallowed up.

Senator Kinsella: I agree entirely with what Senator Corbin just said. I want to make a small correction. You made reference to the riding of Tobique-Mactaquac, whose member is Andy Savoy—Andy Scott is the member for Fredericton.

Senator Corbin: This slip of the tongue will have to be corrected in Hansard. I think I spent too much time with the two Andys last week in Fredericton and I got them mixed-up.

[Senator Corbin]

[English]

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Pépin, that this bill be read the second time now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Losier-Cool, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

PUBLICLY FUNDED POST-SECONDARY EDUCATION

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley calling the attention of the Senate to the merits of establishing a universal publicly-funded system of post-secondary education in Canada as a national social and economic program, and to the adoption of federal legislation setting out the mission, role, and responsibilities of the government with respect to post-secondary education.—(Honourable Senator Stratton)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I had taken adjournment of this inquiry in my name to survey our caucus to see if anyone would be interested in speaking to this item. I did that this morning, and no one is interested in speaking. As far as our side is concerned, we are finished with the debate on this matter.

Hon. Bill Rompkey (Deputy Leader of the Government): I wish to indicate that perhaps that concludes the debate on this particular item.

The Hon. the Speaker: If no other senator wishes to speak, the inquiry shall be considered debated.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.—(Honourable Senator Stratton)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, this inquiry deals with the inequities of the Veterans Independence Program. As senators may be aware, our Subcommittee on Veterans Affairs is travelling this week. As a result, I have been unable to survey my colleagues. I therefore wish leave this item standing in my name.

Order stands.

WORLD TRADE NEGOTIATIONS ON DOHA ROUND

INQUIRY—DEBATE ADJOURNED

Hon. Peter A. Stollery rose pursuant to notice of October 27, 2004:

That he will call the attention of the Senate to the World Trade Organisation negotiations on the Doha Round.

He said: Honourable senators, I am almost ready to speak on this subject, but —

Senator Murray: Almost.

Senator Stollery: The Standing Senate Committee on Foreign Affairs has been busy and I have not had time to complete my speech. I am nearly there, so I would move adjournment of the debate.

Senator Murray: We are almost ready to hear you.

On motion of Senator Stollery, debate adjourned.

• (1600)

THE SENATE

MOTION TO URGE GOVERNMENT TO REDUCE CERTAIN REVENUES AND TARGET PORTION OF GOODS AND SERVICES TAX REVENUE FOR DEBT REDUCTION—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Leader of the Opposition), pursuant to notice of December 7, 2004, moved:

That the Senate urge the government to reduce personal income taxes for low and modest income earners;

That the Senate urge the government to stop overcharging Canadian employees and reduce Employment Insurance rates so that annual program revenues will no longer substantially exceed annual program expenditures;

That the Senate urge the government in each budget henceforth to target an amount for debt reduction of not less than 2/7 of the net revenue expected to be raised by the federal Goods and Services Tax; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

He said: Honourable senators, the Canadian economy has done well in recent years, thanks in no small part to the economic groundwork and the political capital expended by the

Conservative government more than a decade ago. Free trade, the dismantling of the National Energy Program, the transformation of the Foreign Investment Review Agency into Investment Canada, patent law reform, a dramatic drop in the growth of program spending, and reform of a sales tax that was actually taxing Canadian-made goods more harshly than imports have all played a major role in making Canada a more dynamic place to invest and to do business.

Honourable senators, not to be partisan, but the Liberals opposed many of these reforms. In the past decade, however, since they have been in government, the Liberals have been embracing these very reforms.

Honourable senators, no doubt we will have a robust debate on this motion. We look forward to getting the truth as to why, after an election promise to get rid of the GST, the Liberals failed to do so. However, honourable senators, my speech today is not about all the unfulfilled Liberal promises.

Honourable senators have heard the three points that I will be touching on.

Senator Bryden: It is a little sparse for an election platform.

Senator Kinsella: The Leader of the Government in the Senate himself had a few things to say during the free trade debate — back when he was in opposition. Of course, Senator Bryden was not in this chamber at that time. Had he been here — alternatively, he can go to the *Debates of the Senate* of the time — he would know that his leader today — then an opposition member — tried to hold up the free trade legislation, not wanting it to get through the Senate. If Senator Bryden does the research, he will also no doubt discover how his leader and his other colleagues who were here at the time tabled petition after petition to stall the proposed GST. Indeed, the new chair of the Standing Senate Committee on Banking, Trade and Commerce may himself remember saying in the debate on October 9, 1990 — and I quote: “I cannot agree with the evidence presented in support of the GST.”

Well, honourable senators, the GST is still here, even though our colleagues said that they would get rid of it. At the time, those who were here were vigorously opposed to it, and somewhat noisily in those days.

The fact of the matter, the happy news, is that Canada has been able to develop a strong economy.

Senator Bryden: Since 1994.

Senator Kinsella: However, a strong economy has led to a sharp rise in tax revenues.

Senator Bryden: It started in 1994.

Senator Kinsella: That sharp rise in revenues, which the Liberals have used to fund a sharp rise in government spending, raises a great deal of concern for many Canadians.

Senator Bryden: You can do that when you have a surplus instead of a deficit.

The Hon. the Speaker: Honourable senators, I am sorry to interrupt, Senator Kinsella. Honourable senators, I am having some trouble hearing Senator Kinsella. I would remind honourable senators that there will be ample time for debate. Those who wish to intervene will have ample opportunity to do so. In the meantime, I would like to hear Senator Kinsella.

Senator Kinsella: I am looking forward to hearing from my good friend, who knows that the revenue tap is wide open, but the government seems to be incapable of making any sensible decision as to how to deal with the flow of revenue. Maybe our honourable colleague will attend to that when he participates in this debate. It seems that the government either does not know what to do or is not willing to take the appropriate steps.

The economic and fiscal update projects that total federal revenues will rise by some \$48 billion over the next five years, to hit \$242 billion by 2009, a figure that is more than double what was collected when this government took office in 1993.

Does the federal government really need that extra \$48 billion per year, equivalent to more than \$5,000 for a family of four? Almost three quarters of this growth, about \$35 billion, will come from personal income taxes while most of the balance will come from the GST.

In 1993, the federal government collected just under \$50 billion in personal income taxes. Do honourable senators know what that figure is today? Today, \$90 billion annually is collected in income tax, in spite of what the government claims was a \$100-billion tax cut. By 2006, if matters continue unchecked, the federal government will be collecting twice as much personal income tax revenue as it did when this government was first elected.

According to the Organisation for Economic Co-operation and Development, taxes levied by Canadian governments at all levels, federal, provincial and municipal, represent about one third of our gross domestic product, compared to the United States, where taxes represent only one quarter of GDP. Canada must become more competitive, honourable senators, and taxes have a key role to play in making this a more attractive place to live and to do business.

We should not be debating whether to cut personal income taxes; we should be debating how to cut them.

Some may prefer to raise the amount that Canadians can earn before they start paying taxes. When we tax Canadians earning only \$8,000 a year, we are taxing the poor. The government has a wonderful tax policy: Collect money from people earning \$8,000 a year — from students, from working single mothers, from seniors on fixed incomes — and give a fraction of it back through various tax credits.

Some would argue that there ought to be targeted tax cuts. For example, there is a case to be made for further reducing capital gains taxes as a way to boost private-sector investment. This in turn would lead to higher levels of employment and a higher standard of living for all Canadians. There is also a case to be

made for greater support through the tax system for families with children, for those saving for retirement and for those with special needs. For example, a further increase in the caregiver credit would encourage more families to take on the challenge of caring for an aging parent in their homes.

• (1610)

Finally, there is a strong case for a cut in tax rates, so that Canadians will keep more of what they earn and be able to make their own decisions as to how to spend or save their money.

The high marginal tax rates faced by Canadians represent a serious disincentive to earn income in Canada. If honourable senators have a hard time believing that high taxes drive people to earn income elsewhere, ask where the CSL registers its ships. That is but one example.

Regardless of what mechanism is chosen, whether it is through a change in the tax brackets, through targeted tax relief or through lower tax rates, it is time for the Government of Canada to give Canadians a break and let them keep more of what they earn. Lower personal income taxes would provide a direct lift to our standard of living and provide greater financial security for individual Canadians.

Interesting data is available, honourable senators, to show the spread between the increased levels of the standard of living in Canada as compared to those in other countries. The comparison is not favourable to the standard of living in Canada.

Honourable senators, there is a surplus because the government is taking too much money from Canadians. It belongs to the taxpayers of Canada, not to the Prime Minister, not to the Minister of Finance, not to the government. Honourable senators, we must cut taxes.

The second part of this motion deals with Employment Insurance premiums — payroll taxes or a tax on jobs. Employment Insurance premiums are paid by working Canadians and by those that employ them to fund a program that is supposed to provide a cushion during periods of temporary unemployment and for special circumstances such as childbirth. Those premiums drive up the cost of working. They drive up the cost of meeting a payroll and, until Paul Martin became finance minister, no government had ever dreamed of treating them as anything other than a dedicated source of revenue, program specific.

There was a time many years ago when the program was called the Unemployment Insurance Program and premiums only covered the cost of providing income replacement benefits. At one time, the government picked up the overhead expenses such as the cost of processing applications. Along the way, premiums also began to cover registration, the cost of training programs and other labour market initiatives. There was a law that banned the UI Program from running up any cumulative surplus or deficit. Premiums had to be set with a view to wiping out any surplus or deficit over a three-year period. Responsibility for setting

premiums rested not with the cabinet, but with the independent Unemployment Insurance Commission which included representatives of business, labour and of government. They set premiums, with a view as the law then required, to balancing the UI account.

It was in 1996 that the government decided to put employment insurance premiums to a different use. Not content to use premiums to cover every conceivable cost of the program, including benefits, the cost of processing and delivering cheques and contributions to training programs, the government decided to treat EI premiums just as another tax.

That is not what they told us. They said that the program would be allowed to build up a cushion so that premiums would not have to rise during a recession. The surpluses began to grow. They grew and they grew. The tale of Jack and the Beanstalk comes to mind, but in this real-life story, the horde of the treasurer at the top is more vast by far than anything the giant accumulated.

The program's actuary told the government it did not need a cushion of more than \$15 billion to keep premiums from rising during a downturn. The government, afraid that the EI Commission might actually take this information into account when setting premiums, temporarily took away the commission's ability to set premiums. That was four years ago. What was supposed to be temporary, and it seems to be on its way to becoming permanent, notwithstanding rumours to the contrary.

Meanwhile, as I noted, the EI surplus is continuing to grow and is expected to hit \$47 billion at the end of the year. The Auditor General has repeatedly told the government to stop doing this. In her most recent report tabled on November 23, she said:

We have drawn Parliament's attention to the concerns about the size and the growth of the accumulated surplus in the Employment Insurance Account since our 1999 Report. The accumulated surplus has increased by \$2 billion, to reach \$46 billion in 2003-04. In our view, Parliament did not intend for the Account to accumulate a surplus beyond what could reasonably be spent for employment insurance purposes, given the existing benefit structure and allowing for an economic downturn. In our opinion, the government has not observed the intent of the Employment Insurance Act. In 2003, the government announced that it would conduct consultations on a new rate-setting process and would introduce legislation to implement a new process for 2005. In the 2004 Budget, the government noted that it was reviewing the results of the consultations and still planned to introduce legislation for 2005. However, the government has yet to address the concerns about the accumulated surplus in the Employment Insurance Account.

Honourable senators, if the government were to revert to the legislation as it existed prior to the year 2000, premiums would have to take into account the fact that a \$15 billion surplus is more than enough. On paper, there is enough money in the EI account to declare a two-year premium holiday and still have a sufficient cushion to keep future rates stable. We have enough money that there is no need for Canadian workers to pay any EI premiums for two years.

A worker's share of that \$47 billion EI surplus is the equivalent of three weeks' wages. For an employer, it is the equivalent of meeting the payroll for more than a month. However, the reality is that there is no surplus to liquidate, for it is nothing but a book entry. The money has already been spent, and that is the scandal.

The government has talked about setting premiums with a view to balancing the cost of the program, looking forward. If that is what the government plans to do, then, at least on the surface, it is within the spirit of this motion. However, when premiums are set, assumptions will have to be made about future revenues and future program costs. This government has a history of using overly prudent assumptions to make its fiscal situation look worse than it is. If the government assumes that over the next few years the unemployment rate will be 8 per cent, and it turns out to be seven per cent, then it will set premiums on the basis of costs that will not materialize. If the government assumes that employment will grow by two per cent, and it grows by 2.5 per cent, it will, again, continue to collect too much money. The result would be the status quo. The EI Program will continue to be milked as a cash cow, but without the messy problem of having to revise or suspend the law because of a bloated annual surplus.

Honourable senators will remember the recent debate on the surplus air charge. That serves as a warning to those who think this government would never think of such a fiscal manoeuvre.

Honourable senators, the third part of this motion urges the government, in each and every budget, to devote to debt reduction not less than two-sevenths or, if you prefer, two percentage points of net funds collected by the federal GST.

• (1620)

This would essentially mean that the government would be required to conduct budgetary policy with a view to debt reduction and not simply with a view to breaking even. Much of the debt reduction that we have seen to date has either been by accident or has been disingenuous, as the government's true financial picture has been carefully concealed from taxpayers until the books are closed at the end of the year. The government's policy is one of balanced budgets or better. Indeed, each year the government's budgets project a string of zeros for the surplus. Then, magically, the year is over and there are large surpluses.

The government's \$7 billion forecasting error this past March is but the most recent example. The government denied having that kind of money all through the last election, painting the Conservative Party as irresponsible for daring to suggest that the books were in far better shape than the government was saying.

Debt reduction ought to be planned. It ought to be built into the government's fiscal forecast. The government boasts that it will reduce the debt-to-GDP ratio to 25 per cent within the next 10 years from the current level of about 40 per cent. That sounds impressive unless you realize that normal GDP growth would bring that ratio down to 25 per cent in about 10 years anyway, even with no change in the level of debt. The bigger the denominator, the smaller the fraction. That is basic math.

When the former Progressive Conservative government replaced the hidden 13 per cent federal sales tax with the goods and services tax, it promised Canadians that the GST would only be used to service and to repay the federal debt. To show Canadians that the Conservatives were serious, we set up the Debt Servicing and Reduction Account.

Senator LeBreton: And it worked.

Senator Kinsella: And the Liberals promised to get rid of the GST.

Paul Martin put the promise this way to delegates to the Liberal leadership convention in a publication called *De Novo*: "There is some possibility that when we take power in 1992, the provinces will have entrenched the GST in their sales tax regimes. It would be extremely difficult to undo that in that instance, but I would consider removing it nonetheless, and in all other scenarios I am committed to scrapping the GST and replacing it with an alternative."

Senator LeBreton: At least they are consistent with the truth.

Senator Kinsella: What a curious shift in logic.

Once upon a time Paul Martin thought that harmonization would make the GST extremely difficult to undo. A few years later as Minister of Finance, the GST was his to kill. What did he do? He proceeded to harmonize the GST with the sales taxes in Nova Scotia, New Brunswick and Newfoundland and Labrador. This made sense, as it simplified tax administration, but it is the opposite of what the Liberals promised.

The party that came into office promising to scrap the GST instead ended up scrapping the Debt Servicing and Reduction Account — scandalous.

The GST is expected to bring in \$31 billion next year alone. Two of the seven percentage points would equal just under \$9 billion. We are not suggesting anything terribly radical here, as this is roughly in line with last year's surplus and what is projected for this year. It is in line with the projected growth of the GST revenues between now and the end of the decade.

Honourable senators, the net debt is basically what is left over after subtracting what the government owns and what it owes. The government's fiscal policy is focused on the accumulated deficit, currently some \$501 billion. However, we do not pay interest on the accumulated deficit; we pay it on the interest-bearing debt of \$621 billion that we owe to bond holders and other creditors.

Last year, in spite of a \$9 billion accounting surplus and in spite of a corresponding reduction in the accumulated deficit and net debt, Ottawa's interest-bearing debt annually rose by \$400 million. The government's total liabilities, after adding other items such as accounts payable, actually climbed by \$1 billion last year. Think about it. The government runs up a \$9 billion surplus and still ends up owing more money to its creditors than it did at the start of the year. It does not make much sense. The previous year, a \$7 billion surplus translated into a mere \$2 billion reduction in the level of interest-bearing debt. A very harsh reality is that given the magic of accrual accounting

the federal government could find itself owing even more money to bond holders in the years ahead if its own accomplishment is to balance the books. Yes, this is because there are assets such as new buildings and military equipment, and associated with that is an increase in interest-bearing debt, virtually none of which can be liquidated.

Honourable senators, if you have ever borrowed money to buy a car, you may have found yourself owing \$20,000 on a car that has a resale value of \$15,000. That reduction in value occurs around the time that you drive it off the dealer's lot or around the time someone bangs into your fender. On paper your net debt is \$5,000 since that is what would be left of your debt if you sold the car tomorrow. However, you will not sell your car tomorrow because you need to go to work or get the kids to hockey practice. In any event, the bank is charging you interest on the \$20,000, not on the \$5,000 that you owe net.

Honourable senators, the government must pay down its debt if it is to have sufficient fiscal flexibility to meet the challenges of an aging population. This means that we have to make significant progress in reducing what we owe our creditors. A policy that simply focuses on reducing the ratio of the accumulated deficit-to-GDP will not get us there. The commitment to devote two percentage points of the GST to debt reduction is also quite attainable when one considers that within five years the GST's annual take is expected to climb by a further \$8 billion.

Honourable senators, the government must stop looking for new ways to spend the GST. Even without new program initiatives, the cost of government is rising dramatically. For example, the cost of meeting the government's payroll has jumped by a third over the past four years. With \$621 billion in interest-bearing debt at the present time, it would not take more than a few years for an interest rate spike to again cripple federal finances.

I point out as well that at the present time interest rates are low by historical standards, and we have nowhere to go but up. Many of us remember the double-digit interest rates of the early 1980s, one of the factors that served to drive up the federal deficit in the following years. Even as late as early September 1984, as the public service prepared its briefing books for the incoming Conservative government, the Bank of Canada rate was 12.38 per cent and the charter bank prime was 13 per cent, with longer-term rates even higher. Some of us recall the outgoing Liberal government boasting that those double-digit lending rates, while scandalous by today's standards, were down substantially from their 21 per cent peak in August 1981.

Senator LeBreton: Who was the Prime Minister then?

Senator Kinsella: Honourable senators, we are still paying today for the high interest rates of the early 1980s and for the program spending growth that averaged in excess of 13 per cent per year during the Trudeau years. Indeed, the growth of the debt that followed the 1984 election was essentially the result of servicing the debt that had been run up in previous years. A strict policy of debt repayment will ensure lower interest payments on that debt. It will protect taxpayers from future interest rate hikes. It will ultimately increase the government's capacity for future tax relief and focussed spending.

• (1630)

Honourable senators, this motion also requests that a message be sent to the House of Commons requesting that House to unite with the Senate on this matter.

In closing, I would remind honourable senators that the throne speech motion passed unanimously by the other place included the following advice:

That Your Excellency's advisors consider the advisability of the following:

1. An order of reference to the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose.

2. Opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management.

Honourable senators, two of the points raised in this motion, those concerning tax reductions and the use of EI premiums, are not out of line with the throne speech motion unanimously adopted. I would suggest that the adoption of the recommendation that the government target debt reduction of not less than two sevenths of net GST revenue would strengthen the call in the throne speech motion for sound fiscal management.

Over the past several years, the government has consistently low-balled its surplus projections, often leading to year-end spending sprees. Unless there is a greater emphasis on tax reduction and a specific dollar target for debt reduction built right into the budget plan, this government will continue to look for new ways to spend money, either on new programs or by going on a spending binge in the dying days of the fiscal year.

A forward-looking government would not hesitate to adopt measures such as these and, hopefully, others that I trust that honourable senators will bring forward as we proceed with this debate.

On motion of Senator Rompkey, for Senator Austin, debate adjourned.

The Senate adjourned until Wednesday, February 2, 2005 at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Noël A. Kinsella

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(February 1, 2005)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Citizenship and Immigration
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(February 1, 2005)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujiuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.

Senator	Designation	Post Office Address
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(February 1, 2005)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac.	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (February 1, 2005)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 David P. Smith, P.C.	Cobourg	Toronto
21 Mac Harb	Ontario	Ottawa
22 Jim Munson	Ottawa/Rideau Canal	Ottawa
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe	Saurel	Magog
17 Michel Biron	Milles Isles	Nicolet
18 Raymond Lavigne	Montarville	Verdun
19 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
20 Madeleine Plamondon	The Laurentides	Shawinigan
21		
22		
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Maria Chaput	Manitoba	Sainte-Anne
6		

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Regina	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5		
6		

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4		
5		
6		

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of February 1, 2005)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

Honourable Senators:

Angus,	Fitzpatrick,	Léger,	St. Germain,
Austin,	Gustafson,	Mercer,	Trenholme Counsell,
(or Rompkey)	* Kinsella,	Pearson,	Watt.
Buchanan,	(or Stratton)	Sibbeston,	
Christensen,			

Original Members as nominated by the Committee of Selection

*Angus, *Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,
Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Austin,	Gill,	Kelleher,	Mercer,
(or Rompkey)	Gustafson,	* Kinsella,	Oliver,
Callbeck,	Hubley,	(or Stratton)	Tkachuk.
Fairbairn,			

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,
Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Fitzpatrick,	* Kinsella,	Moore,
Austin,	Grafstein,	(or Stratton)	Oliver,
(or Rompkey)	Harb,	Massicotte,	Plamondon,
Biron,	Hervieux-Payette,	Meighen,	Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, *Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,
Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,	Banks,	Finnerty,	* Kinsella,
Angus,	Buchanan,	Gustafson,	(or Stratton)
* Austin,	Christensen,	Kenny,	Lavigne,
(or Rompkey)	Cochrane,		Milne,
			Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Angus, *Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, *Kinsella (or Stratton), Lavigne, Milne, Spivak.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

Honourable Senators:

Adams,	De Bané,	* Kinsella	Merchant,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,		Meighen,	Watt.

Original Members as nominated by the Committee of Selection

*Adams, *Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, *Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

Andreychuk,	Corbin,	Grafstein,	Mahovlich,
* Austin,	De Bané,	* Kinsella,	Prud'homme,
(or Rompkey)	Di Nino,	(or Stratton)	Robichaud,
Carney,	Eyton,	Losier-Cool,	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, *Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

Honourable Senators:

Andreychuk,	Ferretti Barth,	LeBreton,	Pearson,
Austin,	Kinsella,	Losier-Cool,	Pépin,
(or Rompkey)	(or Stratton)	Oliver,	Poy.
Carstairs,			

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin (or Rompkey), Carstairs, Ferretti Barth, *Kinsella (or Stratton), LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon, *Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

Honourable Senators:

Andreychuk,	Eyton,	Mercer,	Ringuette,
Austin,	Joyal,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Cools,			

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, *Kinsella (or Stratton), Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

Honourable Senators:

Lapointe,	Poy,	Stratton,	Trenholme Counsell.
LeBreton,			

Original Members agreed to by Motion of the Senate
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

Honourable Senators:

* Austin,	Cools,	* Kinsella,	Oliver,
(or Rompkey)	Downe,	(or Stratton)	Ringuette,
Biron,	Ferretti Barth,	Massicotte,	Stratton.
Comeau,	Harb,	Murray,	

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,*
**Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Cordy,	Kenny,	Meighen,
* Austin,	Day,	* Kinsella,	Nolin.
(or Rompkey)	Downe,	(or Stratton)	
Banks,	Forrestall,		

Original Members as nominated by the Committee of Selection

*Atkins, *Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,*
**Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Kinsella,	Meighen.
* Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

Honourable Senators:

* Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	Murray,
Buchanan,	Corbin,	(or Stratton)	St. Germain.

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, *Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

Andreychuk,	Di Nino,	* Kinsella,	Maheu,
* Austin,	Fraser,	(or Stratton)	Milne,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,		

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, *Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Bryden

Vice-Chair:

Honourable Senators:

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

Original Members as agreed to by Motion of the Senate

Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.

SELECTION

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

Original Members agreed to by Motion of the Senate

**Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,
Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson,
Keon, *Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

* Austin, (or Rompkey)	Chaput, Eyton, Fraser,	Johnson, * Kinsella, (or Stratton)	Munson, Phalen, Tkachuk, Trenholme Counsell.
Baker, Carney,		Merchant,	

Original Members as nominated by the Committee of Selection

*Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,
*Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

Andreychuk, * Austin, (or Rompkey)	Day Fairbairn, Fraser,	Harb, Jaffer, Joyal,	* Kinsella, (or Stratton) Lynch-Staunton.
--	------------------------------	----------------------------	---

Original Members as nominated by the Committee of Selection

Andreychuk, *Austin, P.C (or Rompkey), Day, Fairbairn, Fraser, Harb,
Jaffer, Joyal, *Kinsella (or Stratton), Lynch-Staunton.

CONTENTS

Tuesday, February 1, 2005

	PAGE		PAGE
Asian Tsunami		Foreign Affairs	
Silent Tribute to Victims.		Same-Sex Marriage—Involvement of Church—	
The Hon. the Speaker.	566	Comments by Minister.	
Visitor in the Gallery		Hon. Gerry St. Germain.	573
The Hon. the Speaker.	566	Hon. Jack Austin.	573
<hr/>			
SENATORS' STATEMENTS		The Environment	
Tributes		Kyoto Protocol Commitments—Cost Analysis.	
The Late Honourable Louis J. Robichaud, P.C., Q.C., C.C.		Hon. Ethel Cochrane.	573
Hon. Jack Austin.	566	Hon. Jack Austin.	574
Hon. Noël A. Kinsella.	566	Delayed Answers to Oral Questions	
Hon. Rose-Marie Losier-Cool.	566	Hon. Bill Rompkey.	574
Hon. Gerald J. Comeau.	567	Health	
Hon. Fernand Robichaud.	567	Ill Effects of Contraceptive Depo-Provera—Parliamentary Review—	
Hon. Pierre Claude Nolin.	568	Aid to Users.	
Hon. Pierrette Ringuette.	568	Question by Senator Spivak.	
Hon. Viola Léger.	569	Hon. Bill Rompkey (Delayed Answer).	574
Hon. Jeremiah S. Grafstein.	569	Agriculture and Agri-food	
Hon. John G. Bryden.	569	Bovine Spongiform Encephalopathy—Aid to Cattle Industry.	
Alzheimer Society of Canada Awareness Month		Question by Senator St. Germain.	
Hon. Wilfred P. Moore.	570	Hon. Bill Rompkey (Delayed Answer).	575
Asian Tsunami		National Defence	
Hon. Consiglio Di Nino.	570	Snowbirds—Maintenance of Aircraft.	
<hr/>			
ROUTINE PROCEEDINGS		Question by Senator Stratton.	
Royal Canadian Mounted Police Act (Bill S-23)		Hon. Bill Rompkey (Delayed Answer).	575
Bill to Amend—First Reading.		Troops on Assignment in Foreign Theatres.	
Hon. Pierre Claude Nolin.	570	Question by Senator Di Nino.	
Commission of Inquiry on the Sponsorship Program		Hon. Bill Rompkey (Delayed Answer).	575
Notice of Motion.		Foreign Ships in Canadian Waters—Protection of Northern Waters.	
Hon. Pierre Claude Nolin.	570	Question by Senator Forrester.	
<hr/>			
QUESTION PERIOD		Hon. Bill Rompkey (Delayed Answer).	576
Foreign Affairs		Health	
Visit to China—Comments of Leader of the Government.		Monitoring of Inhibitor Drugs.	
Hon. Noël A. Kinsella.	571	Question by Senator Keon.	
Hon. Jack Austin.	571	Hon. Bill Rompkey (Delayed Answer).	576
The Environment		National Defence	
Kyoto Protocol Commitments.		Moose Jaw—Availability of Search and Rescue Helicopters.	
Hon. W. David Angus.	572	Question by Senator Meighen.	
Hon. Jack Austin.	572	Hon. Bill Rompkey (Delayed Answer).	576
Kyoto Protocol Commitments—Recommendations of Energy,		<hr/>	
the Environment and Natural Resources Committee.		ORDERS OF THE DAY	
Hon. W. David Angus.	572	Migratory Birds Convention Act, 1994	
Hon. Jack Austin.	572	Canadian Environmental Protection Act, 1999 (Bill C-15)	
Transport		Bill to Amend—Second Reading—Debate Adjourned.	
Airport Security—Hiring Policy for Personnel.		Hon. Elizabeth Hubley.	577
Hon. Sharon Carstairs.	573	Bill to Change Boundaries of Acadie—Bathurst and	
Hon. Jack Austin.	573	Miramichi Electoral Districts (Bill C-36)	
Health		Second Reading.	
Avian Influenza—Outbreaks in Southeast Asia—		Hon. Rose-Marie Losier-Cool.	579
Monitoring and Screening Processes.		Hon. Noël A. Kinsella.	580
Hon. Wilbert J. Keon.	573	Hon. Eymard G. Corbin.	581
Hon. Jack Austin.	573	Referred to Committee.	582
		Publicly Funded Post-Secondary Education	
		Inquiry.	
		Hon. Terry Stratton.	582
		Hon. Bill Rompkey.	582

	PAGE
Inequities of Veterans Independence Program	
Inquiry—Order Stands.	
Hon. Terry Stratton	583
World Trade Negotiations on Doha Round	
Inquiry—Debate Adjourned.	
Hon. Peter A. Stollery	583

	PAGE
The Senate	
Motion to Urge Government to Reduce Certain Revenues and Target Portion of Goods and Services Tax Revenue for Debt Reduction—Debate Adjourned.	
Hon. Noël A. Kinsella	583



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 30

OFFICIAL REPORT
(HANSARD)

Wednesday, February 2, 2005

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, February 2, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NOVA SCOTIA

NEW WATERFORD—TWENTY FOURTH ANNUAL COAL BOWL CLASSIC BASKETBALL TOURNAMENT

Hon. Terry M. Mercer: Honourable senators, this week in Cape Breton, in a coal-mining town of 7,000 people, the twenty-fourth annual Coal Bowl Classic has begun.

This national high school basketball tournament is being held in New Waterford, Nova Scotia, at Breton Education Centre, a junior-senior high school with a student population of approximately 1,200 students. Under the guidance of the executive and board of directors, the Coal Bowl offers almost 200 participants from across the country a unique opportunity to participate in educational, social, cultural and athletic activities. Additionally, the tournament is supported by over 500 student, staff, and community volunteers.

Honourable senators, this year, teams from Newfoundland, Nova Scotia, Prince Edward Island, Quebec, Ontario and Manitoba are participating. This is indeed a prestigious and truly Canadian event. Team members participate in scheduled tours relating to New Waterford's historic mining industry. In addition, the week will include dances, a concert, a banquet and socials. Another major feat is that all teams are billeted in one wing of the school — I am sure it is a great party. The grade seven students are charged with decorating each room with a welcoming atmosphere for the teams' arrival.

The educational highlight is *Cape Breton Island: A Select View*, a textbook that relates to the history of Cape Breton Island, with particular reference to the coal-mining industry. Team members receive a copy in the fall and are tested during the tournament week and awarded prizes during closing ceremonies. This component provides a lasting awareness of a region of Canada that would not be experienced otherwise.

The comment of one parent sums up the tournament: "You have done much to allow our youngsters to view life in another part of our country, and their impression that Nova Scotia citizens are friendly, enthusiastic, and hard-working people is one that will do much to round out their growth as Canadian citizens."

Honourable senators, I am sure you will join me in congratulating co-chairs Brian Spencer and Lorraine Sheppard, under whose direction their team of volunteers make the Coal

Bowl Classic basketball tournament a reality. I commend their efforts and I wish them all a great success.

LIBERATION OF AUSCHWITZ-BIRKENAU

SIXTIETH ANNIVERSARY

Hon. A. Raynell Andreychuk: Honourable senators, January 27 marked the sixtieth anniversary of the liberation of Auschwitz-Birkenau, the Nazi concentration camp in Poland. It is a place where it is noted that more than one million Jews were murdered, along with 75,000 Poles, 20,000 Roma, 10,000 Russian POWs and tens of thousands of people of other groups who were being systematically wiped out. Its name is synonymous with state-sanctioned institutionalized genocide and death.

The Soviet army entered the camp in 1945 and found 7,000 emaciated prisoners. Only days earlier, the Nazis had forced the evacuation of 67,000 prisoners, sending them to a death march to camps further west. The Soviets found buildings filled with men's suits and women's dresses, as well as shoes and eyeglasses. They found 7.7 tons of human hair, which contained traces of Zyklon B, indicating that the hair had been shaved from the bodies of the dead.

We said, and quite rightly, "never again." We cannot allow people to be systematically destroyed. Never again can we do what this nation did during the 1930s and 1940s, when we shut our doors to European Jews. Never again can we do what we did in 1939, when the Canadian government and other nations of the Western Hemisphere ignored the pleas of 900 European Jews on the ship *S.S. St. Louis*. That ship returned to Europe and almost half of its passengers died.

• (1340)

United Nations Secretary-General, Kofi Annan, spoke to the General Assembly last week at a special session marking the anniversary of the liberation of Nazi death camps. He reminded us that our "never again" rings hollow. He said:

Since the Holocaust the world has, to its shame, failed more than once to prevent or halt genocide — for instance in Cambodia, in Rwanda, and in the former Yugoslavia.

Even today we see many horrific examples of inhumanity around the world....

But what we must not do is deny what is happening, or remain indifferent, as so many did when the Nazi factories of death were doing their ghastly work.

On a plaque at Auschwitz is a quote by the philosopher Georges Santayana, which reads:

Those who do not remember the past are condemned to repeat it.

Let us remember our past. Let us remember Auschwitz, as well as Treblinka, Dachau, Bergen-Belsen, Belzec, Sobibor and all the others.

Honourable senators, it is our responsibility to lift our eyes and see the reality of what is going on around us today. Only this time, instead of standing by, let us act.

THE SENATE

JEAN COCHRANE—TRIBUTE ON RETIREMENT

Hon. Lowell Murray: Honourable senators, one of the earliest discoveries a new senator makes is that this place — and we who are, for the time being, its custodians — are incredibly well served by Senate staff in all the many different functions they carry out. Wherever and whatever our previous experience, nothing quite prepares us for the thoroughness and generosity beyond the call of duty with which they serve us.

They guide us gently along the learning curve — a journey that lasts many years — without ever making us feel as inadequate as we sometimes are. Nowhere is the curve steeper and more treacherous for most of us than in the area of Senate procedure and precedent. In that area, we lost one of our most trusted and respected guides last month, when Jean Cochrane, Legislative Clerk in the Senate Journals office, retired after 33 years' service on Parliament Hill.

Ms. Cochrane's early career here was in the office of our former colleagues the late Speaker Muriel Fergusson, the late Paul Lucier, and Senator Joan Neiman. In 1979, she moved to the Journals Branch and before long became legislative clerk there.

When we leave this chamber in the evening, we leave behind us a great deal of work for others, including those in the Journals office, to undertake and complete. Ms. Cochrane and her colleagues frequently burn the proverbial midnight oil putting together the *Journals of the Senate*, the official record, the *Order Paper and Notice Paper* and the *Progress of Legislation*.

Over time, Ms. Cochrane became a fount of knowledge and advice, which she shared generously, not only with honourable senators still trying to unravel the mysteries of parliamentary practice and precedent, but with Committees Directorate, Debates Services, and public servants in various government departments trying to follow the progress of legislation in the Senate. She became an important link in the Senate's institutional memory, assisting clerks at the table in formulating their advice and in the preparation of motions and inquiries.

As we all know, this is a wonderfully collegial place. Those who serve here are united in their loyalty and devotion to the Senate. It is appropriate to mention their pride in Jean Cochrane's professionalism and their appreciation of her kindness and cooperation. As for us, we and all who have served as senators over the past three decades know that Jean Cochrane's profound commitment to her responsibilities helps ensure the integrity and

vitality of the Senate in our parliamentary democracy. On the occasion of her retirement, we offer our warmest thanks and good wishes.

Hon. Senators: Hear, hear!

NATIONAL ABORIGINAL ACHIEVEMENT AWARDS 2005

CONGRATULATIONS TO JOHN JOE SARK

Hon. Elizabeth Hubley: Honourable senators, my province of Prince Edward Island has a long and illustrious history. During the French regime, it was known as Isle St. Jean. After the British conquest in 1763, this jewel in France's New World Empire was renamed after Prince Edward, the father of Queen Victoria.

However, long before the British and the French, of course, Prince Edward Island was home to our Native people, the Algonquin Mi'kmaq, who knew it as *Epekwitk* or *Abegweit*, meaning "cradled in the waves."

As European conquerors, we did our best to trample upon the Mi'kmaq people and their centuries-old culture and way of life. We denied them the rights of citizenship, effectively exterminated the walrus, caribou and bear they depended upon for food and clothing, then herded them onto reservations and sent their children off to residential schools, where they were prohibited from speaking their own language and where many endured alienation and abuse.

It is a tragic and shameful chapter in our national history, honourable senators, but then cultural genocide is never a story easy to tell. On Prince Edward Island, the Mi'kmaq community has struggled to overcome prejudice and bigotry and, along with it, economic marginalization.

However, there is now a growing confidence among native youth, especially as old ways are rediscovered and new strengths realized. At the front of this cultural and spiritual revival, together with others, has been a truly remarkable and heroic man. Most Islanders know John Joe Sark by name and reputation. This elected *Keptin* of the Mi'kmaq Grand Council has spent his entire life working to redress historical wrongs and win justice for his people. John Joe is an activist, an educator and a spiritual leader.

The first Mi'kmaq to graduate from the University of Prince Edward Island in 1979, John Joe has courageously taken on governments and the establishment, including the Roman Catholic Church, at great personal cost, to defend the legal, constitutional and cultural rights of his people. In an interview for *National Geographic* magazine several years ago, Mr. Sark explained his mission. He said:

To get the confidence we need to improve our lives, we have to develop pride in ourselves by discovering who we are and who we were.

Honourable senators, I am delighted to inform you that earlier today it was announced here in Ottawa that John Joe Sark has been selected as one of 14 recipients of the 2005 National Aboriginal Achievement Awards. This award is one of the Aboriginal community's highest honours bestowed upon its own

people. I know you will join with me in congratulating him and the other recipients from across the country for their unselfish and outstanding work.

NEWFOUNDLAND AND LABRADOR

AGREEMENT ON OFFSHORE OIL REVENUES

Hon. Ethel Cochrane: Honourable senators, I rise today to herald an exciting new beginning for my people and the Province of Newfoundland and Labrador.

On Friday evening past, Premier Danny Williams reached an agreement in principle on offshore revenues with the Government of Canada. The deal, worth an estimated \$2.6 billion over the next eight years, marks the beginning of the province's ascent from so-called have-not status.

Premier Williams said it best, when he said the following:

Our effort to secure a better deal on the Atlantic Accord was about more than money....It was about integrity and dignity and honour, and it was about pride.

It is also a chance for us to break from the patterns and stereotypes of our past. Premier Williams also said the following:

This is a defining moment in the history of Newfoundland and Labrador.... Today we start a journey toward self-sufficiency and prosperity.

Indeed, we are now taking our rightful seat at the table of Canadian federation; we are becoming the masters of our destiny. Most important, however, our pending self-sufficiency will be to the benefit of all Canadians.

For my province, this deal represents hope and optimism. It also symbolizes a turning of the corner from our past. As well, it holds the promise of a future in which our young people will no longer have to leave their roots to simply survive.

Honourable senators, this deal is a testament to both governments, that of Canada and of Newfoundland and Labrador. Following from a commitment made on the campaign trail, the deal is the product of impressive federal-provincial relations. It is a newly strengthened, productive relationship that spans political parties, regions and leadership styles. That, in my view, is an unbelievable feat in itself.

I commend all those involved — but especially the Prime Minister, Premier Williams, Finance Minister Loyola Sullivan, the Leader of the Opposition, Stephen Harper, and the Conservative members of Parliament — for their fine work. It is strictly due to their boundless determination and unwavering commitment to the province and people of Newfoundland and Labrador that this victory has been won.

• (1350)

Honourable senators, a new era is underway in my province thanks to the tenacity of our leaders. I am both hopeful and confident that it is only the start of Newfoundland and Labrador's prosperity.

THE LATE LATHAM B. JENSON, O.C.

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to Commander Latham B. Jenson, late of Queensland, Nova Scotia, who was affectionately known as "Yogi" to his naval colleagues and many friends. When he crossed the bar on December 29 last, Commander Jenson left behind a wonderful legacy of service to Canada.

Born in Calgary, he was captivated by the sea and the idea of a career in the navy and enlisted in 1939 at 18 years of age. He served in HMS *Renown*, *Matabele* and *Hood*. On September 13, 1942, then Sub-Lieutenant Jenson was the 21-year-old gunnery and signals officer onboard HMCS *Ottawa* when she was torpedoed and sunk while on convoy escort duty in the North Atlantic. He and 68 shipmates were rescued by a British corvette after five hours in the water; sadly, 138 officers and men were lost. He then served in HMCS *Niagara*, *Long Branch* and *Algonquin*, the first ship to shell the shore defences on Juno Beach in Normandy on June 6, 1944. Following the war he served as an instructor at Royal Roads, where he taught future admirals and senior naval officers. Later he commanded HMCS *Crusader*, *Micmac* and *Fort Erie*, and the 7th Escort Squadron.

In 1964 he retired from the navy, swallowed the anchor and settled in Queensland. He turned his hand to his superb talents as an artist and writer. Among his seven books are *Vanishing Halifax*, *Nova Scotia Sketchbook*, *Fishermen of Nova Scotia*, the autobiography *Tin Hats, Oilskins and Seaboats*, and the limited edition portfolio *Last of the Tall Schooners*. His book titled *Saga of the Great Fishing Schooners* is "the" reference on how to rig a schooner and "the" guide for those wishing to build a model of *Bluenose II*. He illustrated nine other books.

While volunteering as Vice-President of the Heritage Trust of Nova Scotia, Yogi Jenson campaigned tirelessly and successfully to stop the demolition of historic buildings on the waterfront of Halifax. During his community service as Chairman of the Advisory Council of the Maritime Museum of the Atlantic, he led the acquisition of HMCS *Sackville*, the last remaining corvette from World War II, as a memorial to those who fought and won the Battle of the Atlantic.

Commander Jenson was awarded the Order of Canada in 2004 in recognition of his gallant services to Canada, both in wartime and peacetime.

We extend our deepest sympathy to Commander Jenson's wife, Alma, and their children, daughter Sarah and sons Lynn and Tom. We thank them for sharing this valiant sailor, artist, writer and community volunteer with us.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of our retiring Legislative Clerk, Jean Cochrane.

Welcome.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have the power to sit at 3:15 p.m. on Tuesday, February 8, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

QUESTION PERIOD

FOREIGN AFFAIRS

SAME-SEX MARRIAGE—INVOLVEMENT OF CHURCH—COMMENTS BY MINISTER

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Does the leader agree with the novel, and indeed new, doctrine of church and state separation that was recently proposed by the Minister of Foreign Affairs?

Hon. Jack Austin (Leader of the Government): Honourable senators, I was expecting to receive a question along the same lines from Senator St. Germain. I was given notice of a question of this kind yesterday. I have had the opportunity to see the media and to have a dialogue with the minister.

The question asked of me by Senator St. Germain used the phrase that is contained in the media story that appeared in the *Gazette* of February 1, 2005, in the headline, "Marriage predates government, foes say after minister urges churches to butt out." Minister Pettigrew never used the phrase "butt out." A quote attributed to Mary Ellen Douglas, President of the Campaign Life Coalition, states: "The statement from him was outrageous that the churches should butt out." The headline writer, unintentionally, I am sure, raised an innuendo. That hardly ever happens, of course, in the press.

Minister Pettigrew said:

I find that the separation of the church and the state is one of the most beautiful inventions of modern times.

He went on to say:

I've seen a lot of right-wing press put all kinds of things around it and some right-wing commentators. What I have said is that I believe that the separation of church and state is a wonderful invention of modernity. It allows us to have a

civil marriage. When we are talking about civil marriage, I would like everyone to talk about civil marriage and to be careful to specify in their interventions that we are talking about civil marriage — and not the religious one.

In its polity and as a critical foundation, I must say that Canadian society has a separation of church and state that is clear from the structure of our Constitution. In the United Kingdom there is a de facto separation of church and state, but there are still some historical appendages to the Church of England. In the United States, a separation of church and state is specifically provided in their Constitution.

• (1400)

Therefore, I can see no basis upon which anyone who is familiar with the way our constitutional system works could take exception to the remarks of Minister Pettigrew.

JUSTICE

SAM-SEX MARRIAGE—INVOLVEMENT OF CHURCH FREEDOMS OF SPEECH AND RELIGION

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, we have put our fingers on the pulse of a change in the history of Canadian democracy. The doctrine of separation of church and state has a particular meaning within our Westminster model. Lest that be too academic a question, I want to find out for the benefit of all Canadians the position or policy of the Government of Canada when a minister of the Crown rises to challenge the right — under whatever pretext — of freedom of speech of a church leader or any other Canadian who disagrees with a given government policy of the time. Does this government see freedom of expression as a matter that is to be limited by its whims?

Hon. Jack Austin (Leader of the Government): Honourable senators, this government puts no limitation on the rights of Canadian citizens, whomsoever they may be, to debate public policy in this country. No other interpretation should be possible, nor did Minister Pettigrew put any limitations on such freedom of speech.

Some people are making a very fine argument that the Supreme Court of Canada's interpretation of the rights of individuals under the Charter, as implemented by Bill C-38, which was introduced in the House of Commons yesterday, is an interference with the rights of the church to determine who would be the subjects of marriage under their particular religions. That is not in any way the truth of the matter. The churches are free to decide on their own religious practices and under their religious beliefs what persons are eligible for marriage.

Hon. Gerry St. Germain: Honourable senators, if the honourable minister is that comfortable in his position, why is it that certain churches and religious institutions feel that the freedom of religion is under attack? If Bill C-38 is such a panacea of greatness, why do we have to justify the freedom of religion in this country? The fact that we have to defend it puts it in a position where, obviously, it must be under attack. Why would we even mention it? It is because these people feel that their ability to carry out their religious beliefs is under attack.

Minister Pettigrew and others may dismiss the cardinals, the Orthodox Jews and other religious leaders of these various organizations, but why is the government so dismissive? I believe the issue in regard to Bill C-38 will be the freedom of religion.

We have a situation right now in Port Coquitlam with the Knights of Columbus, and there are other examples that I will not go into during Question Period.

There is sound reason for clergy leaders to be concerned about the freedom of expression and the true freedom of religion as we have known it in this country. Does the minister not see that point of view in any way, shape or form?

Senator Austin: Honourable senators, the issue is not the freedom to practise a religion, and no religion is under attack in this country. Those who adhere to whatever religion are free to practise it within the context of their religious institutions.

Senator St. Germain: Today.

Senator Austin: The issue is different. The issue is the equality of rights of Canadians. It may be that some religious leaders object to the idea of civil marriage. It may be that they do not agree with the Constitution of Canada or they do not accept the Charter of Rights. When they take those positions, they are not reflecting on their religious adherence. They are reflecting on others who are not their supporters, and they are trying to subject those people to the religious beliefs of the community to which the honourable senator has referred. They may not recognize that this is what they are doing, but the Charter, as interpreted by the Supreme Court of Canada, makes it very clear that civil marriage is a right of Canadians. There is no going around the Charter and its rights, unless the Constitution is used. The Constitution does have a notwithstanding clause. If it is the position of the party to which Senator St. Germain adheres that the notwithstanding clause should be used, that is a proper constitutional debate and we can argue it.

Senator St. Germain: I never said that.

Senator Austin: Otherwise, let us be clear that the Charter of Rights, as interpreted by the Supreme Court of Canada, provides equal rights to all Canadians for a civil marriage.

Senator St. Germain: I never raised the notwithstanding clause. This is just a red herring, as Senator Kinsella points out, on the part of Prime Minister Martin. It was just a year ago that Prime Minister Martin clearly stated that it was not a human rights issue. From out of nowhere it became a human rights issue following certain incidents in this country.

My concern still is for people who refuse to carry out same-sex marriages. They are being discriminated against and told to resign their posts in various provinces. What is the government doing about it? You are doing nothing. You are standing back and watching while these people are being discriminated against because of their religious beliefs.

If the minister thinks for one moment that he will bamboozle the world into believing that religious organizations are not under attack, I think he is leading in the wrong direction. It is a false

position and Canadians deserve to know the truth. They deserve to know that if the bill must state that religion is protected by virtue of this legislation, it is obviously under attack given various current examples, such as the Knights of Columbus situation in Port Coquitlam and other incidents that have taken place in the courts. For example, in Ontario, a printer was fined and forced to print material that went against his religious beliefs. These situations provide a definitive case that is leading our cardinals and archbishops in the Catholic faith, as well as leaders of the evangelical faith and the Orthodox Jewish faith, to be truly concerned. The minister is remiss if he just pooh-poohs them to the sidelines.

Senator Austin: Honourable senators, Senator St. Germain has made a vigorous speech, and we will hear from him again when the bill is before this chamber. On this side, we would be willing to expedite the debate by conducting a pre-study of this particular bill so that we can engage in it at the earliest possible time. I can see that Senator St. Germain would be at least agreeable to that proposition.

Senator St. Germain: The honourable leader just wants to get this issue off the agenda because he knows it will bury him.

• (1410)

Senator Austin: I want to get on with it. If your debating point is correct, that there are church leaders who feel threatened, let us have the debate. Let us engage with them in evidence.

Senator St. Germain: Why should we debate the freedom of religion? Freedom of religion is a right.

Senator Austin: Absolutely. I intended to make that very point. The Supreme Court of Canada said in its decision that freedom of religion is equally protected by the Charter, as is civil marriage.

As the honourable senator knows, the constitutional jurisdiction of marriage lies with the federal government. The solemnization jurisdiction is with the provinces. If the provinces in any way interfere with the freedom to practise religion, then those individuals who feel interfered with should insist on their Charter rights. The federal government takes the position that everyone is free to practise their religion. I want to make it clear, and I will make it clear repeatedly, that there is no threat to the freedom of any individual to practise his or her religious beliefs in this country. The Charter permits it. The civil rights of one group are the civil rights of another.

I do not know whether Senator St. Germain is familiar with the famous dictum of Pastor Niemöller, a leading figure during the 1930s in Nazi Germany. After the war, he said:

First they came for the Communists, but I was not a Communist, so I said nothing. Then they came for the Social Democrats, but I was not a Social Democrat, so I did nothing. Then came the trade unionists, but I was not a trade unionist. And then they came for the Jews, but I was not a Jew, so I did little. Then when they came for me, there was no one left to stand up for me.

Honourable senators, civil rights are the essence of this country. The Charter is the essence of this country.

Senator St. Germain: Freedom of religion is the essence of this country.

It is the Liberals who denied the Jews entry in 1939.

Senator Austin: I heard the Conservatives up and quarrelling with the Liberal decision at that time, did I?

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I have a supplementary question. I am pleased that the minister has quite clearly reaffirmed the distinction between civil society and religion. It might be useful to remind the members of this chamber, while duly taking into consideration the concerns just expressed — which a great many Canadians share — that this Parliament has already clearly made the distinction between civil society and religion when it comes to ethics.

For example, Catholicism opposes birth control, abortion and divorce, and affirms marriage's indissolubility. As the spokesperson for civil society, Parliament has already enacted legislation with regard to these three questions and this was never perceived as an attack, in any way, shape or form, on the freedom of religions and of Canadians who share religious beliefs.

It is extremely important to reaffirm such distinctions between civil society and religious society and to demonstrate, as the bill very clearly indicates, Parliament's deep respect for all religions. This concerns civil matters and a civil institution; therefore, it is about the pre-eminence of the Charter and the equality of all citizens.

[English]

Senator Austin: I want to thank Senator Rivest for what he has just added to Question Period. While he was speaking, I was reminded of the difficulties that leaders in civil society have had over the years in squaring their particular civil responsibilities as elected political people or appointed political people with their religious convictions or with the convictions of the religious institutions to which they belong.

Sir Wilfrid Laurier was the first elected Prime Minister of this country to be Roman Catholic. There was a debate at that time about whether the church would control the behaviour of a Catholic politician. In the United States, a candidate in 1928 by the name of Alfred E. Smith probably lost the election to Herbert Hoover because he was a Catholic. John Kennedy was able to reverse that by repudiating any control by religious authorities over his political responsibilities to the country as a whole.

These are difficult issues, honourable senators, but we have made adjustments in this country. No one wonders today whether the Prime Minister is a Catholic or a Protestant. That is the right way for society to see the situation. It is the quality of the person, not the religious belief.

HEALTH

APPROVAL AND MONITORING PROCESS OF VIOXX

Hon. Wilbert J. Keon: Honourable senators, it has come to my attention that the *Canadian Medical Association Journal* had some harsh words for Health Canada and for the U.S. Food and Drug Administration over their approval process and monitoring of the recalled arthritis drug Vioxx. An editorial in the journal asked why it took so long for Health Canada to disclose what it knew about the cardiovascular risks associated with this drug. The editorial also stated that by not using an active surveillance system to quickly uncover adverse reactions:

Both the FDA and Health Canada have failed miserably in carrying out this important aspect of their public mandates.

Is this a fair criticism? If so, what explanation does Health Canada have on its behalf and on behalf of the FDA for allowing this to happen?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not know whether it is a fair criticism. I do not know whether anyone in this chamber can actually take a position based on the substantial information available. That leads me to suggest to Senator Keon that perhaps the matter might be dealt with by a motion on his part and perhaps a committee could examine the very questions that he is asking.

TRANSPORT

BRITISH COLUMBIA—EFFECT OF CONGESTED COMMERCIAL CORRIDORS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate.

According to Stephen Poloz, Export Development Canada's chief economist, congestion in the Vancouver trade corridor is dragging down the Canadian economy. As a result, Mr. Poloz has cut his 2005 growth estimate for the economy to 2.9 per cent from 3.2 per cent. As well, Transport Canada estimates that congestion in Vancouver's commercial thoroughfare costs more than \$1 billion per year. Commercial traffic in trucks, which transport more than 70 per cent of the value of goods moving through the Port of Vancouver, are taking longer to reach their destination, raising costs for businesses and consumers.

A transportation report completed by UBC Professor Michael Goldberg blames systemic infrastructure under-investment for the problems. It also suggests widening the main east-west and north-south highways out of Vancouver to eight lanes.

The Liberal government has had the infrastructure program in place since it first came to power in 1993. According to these people, the government is failing and it is hurting Canada's economic outlook. Would the Leader of the Government in the Senate please account for these failings?

• (1420)

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to thank Senator St. Germain for drawing our attention to a very significant issue that affects that economy of British Columbia, Western Canada and, indeed, the whole of Canada.

As I understand it, the issue is that none of the planners, whether in the government sector, the railway sector, the transportation sector or the port sector, foresaw the growth in sea traffic that has taken place from Asia to Canada, particularly from China to Canada. The railways have been caught unprepared to carry the traffic from the Port of Vancouver. Indeed, the Canadian Pacific Railway has announced that it is considering making an investment in excess of \$500 million in twinning lines, to make it possible to move traffic much more quickly out of the Lower Mainland, across British Columbia and over the Rockies. The Canadian National Railway, as well, is looking at Port of Vancouver rail developments.

The port has never been busier. What Senator St. Germain is talking about is the additional business we could be booking if these strategic decisions had been taken. As Senator St. Germain knows, the Port of Vancouver is run independently, under the Canada Marine Act, as are other ports in Canada, a policy that was much advocated by both sides of this chamber. I warrant that it has been better managed by the existing Vancouver Port Authority than it was by the Department of Transport in times past. However, it is underinvested, and we need to find new financial resources. The railways need to act more promptly.

In addition to adding to rail and road capacity, we have to widen the corridors, which involves environmental processes that are required by law and cannot be sped up. What do we do about existing residences and commercial properties in settled communities? Are they to be expropriated? It is a difficult issue.

The truth of the matter, as set out in the EDC report by that eminent economist, is that China's steady growth of 8.9 to 9 per cent GDP is streaming an enormous amount of commerce across the Pacific, and it will not stop. Therefore, we have to respond.

Finally, Senator St. Germain and I, both coming from British Columbia, are looking at what can be developed at the Port of Prince Rupert, which is served by CN, to take container traffic. The private sector, in the form of an American investor, CN and the Province of British Columbia have offered additional capital for the expansion of the Port of Prince Rupert that would reduce the travel time by two days for traffic heading for the U.S. Midwest, which is where much of the traffic goes.

Senator St. Germain: Honourable senators, I obviously agree with the minister that foreseeing the growth was most likely impossible. However, the growth has occurred. The Province of British Columbia, under the leadership of the government of Gordon Campbell, is doing an excellent job of facilitating developments in this situation.

With regard to the Port of Prince Rupert, I think we should be considering turning it over to the province in some way in order that we have a more hands-on situation to expedite this process. There would be a reduction of two days in travel time to Chicago if this port facility were fully exploited in the way it should be. The federal government should be giving serious thought to bringing the province into the picture more quickly.

As the honourable senator knows, the Lower Mainland of British Columbia is virtually in gridlock at certain times, and the cost to transportation is horrific, as Professor Goldberg from UBC has enunciated well.

We obviously need money from the federal gas tax transfer as soon as possible. As announced yesterday, \$2 billion of this transfer is to be earmarked for the fifth year of the agreement. However, according to John Godfrey, Minister of State (Infrastructure and Communities), the amount transferred over the first two years of the five-year agreement will be relatively modest. That is reported in *The Globe and Mail* in an article headlined, "Gas-tax funds steered to big-ticket projects." This money is urgently needed.

Although the Leader of the Government and I have differed on certain issues in the past, I will say that he provided great leadership in British Columbia when he was a minister in the years before the Conservative government and in the later years of the Trudeau government. It is now time that he shine again and get these funds expedited for the expansion of British Columbia infrastructure.

Senator Austin: Honourable senators, I have been a big fan of the New Deal for Cities and Communities, one of the government's priorities. The new deal is an intervention in an area that is provincial jurisdiction, pure and simple. However, the provinces have welcomed the federal government's role in providing new funding for community infrastructure.

The announcement of yesterday, to which the honourable senator referred, allocates \$5 billion of gas tax revenue to the municipalities. Each province has now been advised of the share it will be receiving based on a per capita distribution. P.E.I. and the territories will receive a set amount rather than a per capita amount, given their size.

The announcement has been made with the approval of the stakeholders. It is the result of an agreement, and legislation will be introduced to ensure that the funds that the government has announced, and which have been agreed to by the provinces, the cities and the communities, flow as quickly as possible. I look forward to the assistance of the honourable senator in passing that legislation.

As the honourable senator was saying, the funds are to support sustainable municipal infrastructure such as public transport and water systems. The final details are being dealt with, and I am pleased that the honourable senator drew the attention of the chamber to this issue.

ORDERS OF THE DAY

MIGRATORY BIRDS CONVENTION ACT, 1994 CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hubley, seconded by the Honourable Senator Ringuette, for the second reading of Bill C-15, to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999.

Hon. Ethel Cochrane: Honourable senators, I am pleased to have an opportunity to speak at second reading of Bill C-15. This bill is the latest incarnation of Bill C-34, which was introduced in the thirty-seventh Parliament but died on the Order Paper when the last general election was called.

Bill C-15 is born of positive intentions. It seeks to strengthen existing measures established to protect Canada's marine environments from the ravages of pollution. I am sure honourable senators are aware that the marine waters off Canada's coasts are among the richest in the world in terms of seabird life.

An estimated 30-million seabirds use Canada's eastern coastal waters at all times of the year. Their habitat is shared by the thousands of sea-going ships that criss-cross our oceans annually.

• (1430)

In this place, many honourable senators have fervently called for greater protection of species, whether the species be endangered, at risk or otherwise. If we are to protect species, the first step is to protect habitat. In principle, that is what the bill seeks to do.

Our marine environment is not immune to pollution, as countless recent examples have reminded us. Late last year, for instance, there were a couple of oil spills off the Terra Nova platform. The biggest spill occurred on November 21, when more than 1,000 barrels of oil were discharged into the ocean. About a month later, another two barrels of oil went into the ocean from the platform.

There are other sources of oil spills and marine pollutants that cause great harm to our environment. Perhaps principal among them is discharged oil from ships. We often think of oil spills causing devastation in the context of large and catastrophic accidents such as in the case of the *Exxon Valdez*. However, small spills, whether resulting from equipment malfunction, negligence or intentional illegal actions, wreak the same sort of destruction. They are not less harmful.

The World Wildlife Fund reports that there is no significant correlation between the volume of oil spilled and the number of

seabirds oiled. It is further noted by the wildlife fund that "long-term sustained mortality rates caused by chronic oil pollution have as great an effect — or an even greater effect — on seabird populations than occasional large spills."

You see, honourable senators, even a very small amount of oil poses a serious threat to seabirds. A tiny drop of oil is all it takes to decrease a bird's insulation, waterproofing and buoyancy. This leads to hypothermia and starvation. Of course, birds can also ingest or inhale the oil, and this too causes serious damage to internal organs, potentially resulting in death.

Seabirds have been called "the most conspicuous organisms of the marine ecosystem," and they are also most frequently used as an indicator of marine oil pollution. I suggest to honourable senators that if this is the case, then we really need to sound the alarm bells.

The first incident of oiled birds on the beaches of Newfoundland and Labrador was documented in the 1950s. Current estimates place the annual mortality rate off Newfoundland's Avalon Peninsula alone to be 300,000 birds. That is just one part of one of our coasts. Unfortunately, at this time, Government of Canada estimates on the Pacific coast are incomplete.

Admittedly, getting a handle on how many birds die each year is difficult. The reality is that when birds die at sea, they soon lose their buoyancy and sink to the bottom. Some bird carcasses get eaten by other members of the food chain, and wind conditions allow others to drift farther out to sea or to shore. In reality only a relatively small percentage of dead birds actually wash up on the shore and catch our attention.

All of this is to say that the numbers we do collect, though inadequate, do not necessarily present an accurate view of the problem. However, according to data collected by the Canadian Wildlife Services between 1984 and 1999, what we do know is that 62 per cent of dead birds found on our beaches are oiled. However, it is important to note that the data from the last five years actually indicate that the rate was closer to 75 per cent. This suggests that three out of four birds found dead on beaches died as a result of oil. According to a recent World Wildlife Federation study, this also tells us "that the risk to birds of contacting spilled oil and dying as a result is very high in Atlantic Canada."

Honourable senators, allow me to put these death rates in an international context. Germany and Denmark's rates have remained stable at 47 per cent, and the Netherlands has seen its rate decline from 57 per cent down to 38 per cent in the last 20 years. Those numbers are significantly lower than the ones recorded here at home in both the recent and the not-so-recent past.

The World Wildlife Federation observes that public pressure over the last two decades has led governments around the world to develop legislation to protect marine and coastal environments. The International Convention for the Prevention of Pollution from Ships and the United Nations Convention on the Law of the Sea are two such agreements that Canada has signed; yet in spite of those agreements, we still find oiled birds washing up on shorelines worldwide.

Vessels that navigate our waters are, of course, subject to Canadian law. Canada currently has numerous laws in place to deal with the potential environmental effects of ship traffic, including the release of oil into marine waters. These laws include the Migratory Birds Convention Act of 1994, the Canadian Environmental Protection Act of 1999, the Fisheries Act and the Canada Shipping Act.

The problems that exist lie in penalties and enforcement, and that is where these amendments will make a difference. While the bill before us follows in the tradition of these conventions and others, it seeks to do more. It seeks to strengthen Canada's current regulations and to cover the gaps that continue to exist.

First and foremost, from an environmental perspective, Bill C-15 gives rise to new protection measures for migratory birds that will shield them from the effects of harmful substances such as oil.

The bill also seeks to amend the Migratory Birds Convention Act of 1994 by ensuring that it applies in the exclusive economic zone of Canada and expanding the jurisdiction of our courts to include Canada's EEZ.

Passing this bill will mean that the Migratory Birds Convention Act of 1994 will apply not only to ship owners and operators but to the vessels themselves, and that enforcement powers will be expanded to allow Canada to direct and detain vessels that contravene the MCCA of 1994. Above all, the bill before us will mean significantly greater penalties and fines for marine polluters.

As indicated in its official title, Bill C-15 will make strong amendments to the Canadian Environmental Protection Act of 1999. I should note that many of these mirror the proposed amendments to the MCCA of 1994. Essentially it will further strengthen the existing CEPA, 1999 by protecting the marine environment from the wrongful activities of ships as well as of people by expanding enforcement powers in matters concerning ships that fail to comply with the CEPA of 1999 or its regulations, and by including prohibitions dealing with disposal and incineration of substances at sea by ships.

With these amendments, we will be able to deal more effectively with law enforcement issues in cases of marine pollution. Additionally, these legislative measures will provide clarity with respect to the new 200-mile exclusive economic zone by affirming that enforcement officers have authority in that area.

By increasing the fines to a maximum of \$1 million, this legislation is falling into step with the big business ways of shipping. However, its significance goes well beyond that. It also makes our approach more consistent with that of our neighbour, the U.S., a country which has stricter laws in place to protect marine habitat.

The data available internationally is clear: Steep fines effectively communicate to ship operators that illegal activities will not be tolerated. We need look no further than the U.S. and the U.K. for evidence of this. The governments of both countries have imposed fines on marine polluters that cost in the hundreds of thousands of dollars. It is not surprising then that beached bird surveys in both of these countries reveal low proportions of oiled birds.

• (1440)

With this bill, I believe Canada is finally sending a strong message to those shipping companies that would discharge toxic substances illegally at sea. We are saying: "If you abuse our marine environment, you will face strict sanctions." Make no mistake, modern shipping is big business today. As such, time means money. It is when people start cutting corners that our environment suffers and we experience devastating results.

Ships, as you know, have bilge oil that they need to dump. When proper procedure — that is, the law — is followed, ships go to port, pump out the bilge at the port's facility, an act for which ships are handsomely charged, and then go on their way. Honourable senators can appreciate that this can be time-consuming, and when faced with the pressure of deadlines and bottom-line profits, it is not surprising that some would seek to skip a step or two.

Up to this point, considering the business demands and minimal penalties, there have been practically disincentives for ships to follow procedures. When one considers the paltry fines that are attached to acts such as oil dumping, combined with the bare-bones surveillance that takes place, illegal dumping poses only the smallest of risks and great potential for sweet pay offs.

However, while the intentions of this bill are noble, I do have concerns that relate directly to surveillance and enforcement. Time and time again, we have heard in witness testimony before the committee, in the media and elsewhere that our Coast Guard is gravely underfunded and that our surveillance and enforcement capabilities have been cut. Hence, I am interested in hearing from witnesses when this bill is before us in the committee just how we will be able to provide the monitoring and the follow-up necessary to ensure that these amendments become more than just words on paper.

We know from international examples that enforcement and surveillance are important factors in fighting oil pollution. The Netherlands has monitored its beaches for close to a century, and over the last 20 years its surveys of beached birds along the North Sea have indicated a 57 per cent decline in chronic oil pollution. The WWF credits this decline "directly both to increased enforcement and surveillance in this area and to decisions to clean up oil slicks rather than to wait for them to dissipate naturally."

Another concern I have relates to infrastructure. Again, to use an international case study, Germany reported a decline in the proportion of oiled birds after no-charge oil-disposal facilities were introduced in late 1980s. However, after the fee was reintroduced, the proportion of oiled birds also increased again.

I hope our committee work will at least touch on issues relating to Canada's marine infrastructure and any possibilities that may exist further to augment compliance with our laws.

Honourable senators, I do support Bill C-15 in principle. I look forward to investigating this bill more closely in committee. In particular, I hope we can address some of the concerns of industry stakeholders that have recently arisen.

I know, for instance, the shipping industry has voiced some concern about the bill. The most recent edition of the marine issues update featured some criticism of our colleagues in the other place for allowing only two marine advocacy organizations to present their views on the bill. While they felt that was inadequate, they remain hopeful that industry stakeholders will be allowed a fair hearing. I am confident that, over the course of our consideration of Bill C-15, we may be able to address some of these concerns.

As I said earlier, the principles behind this bill are sound. As such, it is my hope that Bill C-15 will go a long way in allowing Canada to dispel her image as a safe haven for illegal oil dumping and will provide great protection for seabirds and their habitat.

Hon. Willie Adams: Honourable senators, may I ask a question of the honourable senator?

Senator Cochrane: Yes, of course.

Senator Adams: The honourable senator is deputy chair of the Senate Energy Committee. I am a hunter and, as such, I know that populations of seabirds have been depleted as a result of oil spills. However, my concern relates to the additional costs that ship owners who operate in the Arctic may have to pay, and how that will be reflected in the cost of shipping freight to the North. The Arctic is mostly populated by Canada geese, snow geese and mallard ducks, what I would call our "domestic" birds. They provide food for the hunters. Will passage of this bill result in an increased cost of freight? People living in the North already pay extremely high prices for freight to be brought into the communities. It is sometimes a difficult task.

I recognize, however, if we do not pass legislation to stop this activity, nothing will change.

Of course, we can do nothing to prevent an oil or a chemical spill when a ship sinks. Navigation near land can be difficult for the operator of a ship. A ship could have an engine breakdown during a storm. All of these situations are not within our control. Would the regulations apply to accidents of nature?

Will there be stiffer regulations and stiffer fines for ship owners who do not comply with the legislation?

Senator Cochrane: I am glad that the honourable senator is a member of the committee. We will be consulting members regarding the appropriate witnesses we should hear from so that all of his questions can be answered.

Hon. Serge Joyal: Honourable senators, I listened carefully today to the honourable senator and yesterday to the Honourable Senator Hubley who moved the second reading of the bill. I cannot disassociate myself with the objective of the legislation. However, while I listened to the well prepared speeches yesterday and today, I cannot but recall the debate we had in this chamber some years ago when we voted to pass the endangered species bill. Some honourable senators will remember the discussion we had at that time. I believe Senator Sibbeston was the sponsor of the bill. One of the major concerns we expressed at that time — and I see Senator Adams nodding his head — was the involvement of the

Aboriginal people in the implementation of the objectives of the bill. We in this chamber share the common commitment that, when proposed legislation will affect the status of Aboriginal people, we will ask if they been consulted in the drafting process about the definition of the objective of the bill, about how the bill will be implemented, and the impact of the bill on traditional fishing, hunting and harvesting practices. I believe we have all raised issues. You will remember — I acknowledge our colleague Senator Bryden — in relation to the animal cruelty bill that was a recurring preoccupation. Senator St. Germain has a spokesperson on that issue in this chamber.

I am not a member of the committee because I cannot, of course, be on every committee, but I am concerned that we ensure that when a bill that impacts Aboriginal people is introduced, the consultation process, the preparatory process, as it involves the Aboriginal people, is followed. We could then be satisfied, when the bill is introduced in the Senate, that we have paid due respect and given proper recognition to the Aboriginal people's rights.

• (1450)

That is my concern, and I invite the honourable senators who sit on that committee and the chair of that committee to ensure that, among the witnesses referred to in the chair's speech, representatives of the Aboriginal people who might be affected by the objective and the scope of this legislation, are invited to testify before the committee.

My second point concerns the impact of section 35 of the Constitution Act on the recognition of the traditional rights of the Aboriginal people. You will remember, honourable senators, that when we adopted the endangered species bill, the then government leader, Senator Carstairs, introduced a motion following that bill referring the issue of the study of the impact of the non-derogation clause to the Standing Senate Committee on Legal and Constitutional Affairs, which was chaired at that time by the Honourable Senator Milne. We started the study on that issue, but Parliament was dissolved. The problem still exists, and we have not addressed that point fundamentally. It keeps popping up in proposed legislation.

The role of this chamber is to be seized of proposed legislation and to pronounce on any such legislation that impacts on Aboriginal people. I simply alert my honourable colleagues to this point, because I strongly believe that we must make progress on the process to be followed when the government drafts legislation, so that when the legislation is introduced in the Senate we can be satisfied that the process has been followed and due respect paid to the interests of the Aboriginal people.

I was pleased to hear Senator Adams raise certain issues, and I am sure other honourable senators will also have issues to raise so that we serve the objective of the Constitution of Canada in relation to the Aboriginal people.

I had the opportunity to share those views yesterday with Senator Hubley. I certainly do not want to delay the bill. It is up to the committee to address those issues, but I think it fair, honourable senators, to raise them today so that progress can be made on the bill.

Senator Cochrane: Honourable senators, if I may, I must tell the honourable senator that Aboriginal peoples are also first and foremost on my mind. Ever since I became a senator, I too have wanted to see a process followed through until we have refinement in all aspects. I will ensure that the honourable senator is invited to attend the committee meeting when the pertinent witnesses come to testify. Perhaps his schedule will allow that. I will inform the honourable senator when they will appear so that he will have an opportunity to ask those relevant questions. I realize that the honourable senator, as a lawyer, will pose good questions, as will the other members of the committee. He will have that opportunity.

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Hubley, seconded by the Honourable Senator Ringuette, that this bill be now read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

Hon. Elizabeth Hubley: Honourable senators, I would thank my colleague, Senator Cochrane, for her very informative reply to Bill C-15 which graphically highlighted the importance to Canada of Bill C-15. It speaks to clean Canadian water safety for our migratory birds and a legal framework capable of dealing with the few who would cause pollution by discharges of illegal, oil contaminated water at sea.

The Hon. the Speaker *pro tempore*: Senator Hubley, this matter is not debatable. I asked: When shall this bill be read the third time?

On motion of Senator Hubley, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

STATISTICS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I rise to participate in the debate at second reading on Bill S-18, to amend the Statistics Act.

It is my intention to focus on the process rather than on the substance of the bill. The substance has been thoroughly examined, but, to date, the process has engendered a great deal of concern. In particular, I will briefly address concerns relating to the defamation of Senator Lynch-Staunton, the contempt brought upon this chamber, the breach of our privileges as senators, and the confusion or confounding of the role of the executive and the legislative function of Parliament.

The different roles played by the executive in Parliament have, I think, been aptly summarized by the maxim "government proposes; Parliament disposes." There is an exception in that individual parliamentarians are able to propose their own ideas for new laws or changes to existing laws in the form of public bills in the Senate or private members' bills in the other place. This is an exercise in which all honourable senators engage, to the good of the work of Parliament, in my opinion.

This exception has generally not been the source of significant confusion between the two functions, that is, government as a general proposer of legislation and the role of parliament to dispose of these proposed bills. In our experience, there has been a full understanding of the role of the legislative branch and the role of the executive and that, in part, is due to the stringent limitation on so-called backbench bills which forbids a proposal involving the expenditure of public funds.

Honourable senators, in the case of this Bill S-18, we all know that its genesis was the very hard work of the honourable senator who has moved second reading of the bill. That honourable senator proposed a series of similar bills in her capacity as an individual parliamentarian and worked assiduously on those bills. She was an able and ardent advocate for the cause of providing public access to the confidential information provided by Canadians to the census taker.

Something which has not previously been mentioned in this debate is that responding to the census questionnaire is not a voluntary undertaking on the part of Canadians. The government obtains this information under the threat of financial penalty and even incarceration. Section 31 of the Statistics Act reads as follows:

31. Every person who, without lawful excuse,

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or pertinent thereto that has been asked of him by any person employed or deemed to be employed under this Act, or

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that the person has been required to fill in, and to return the same when and as required of him pursuant to this Act, or knowingly gives false or misleading information or practises any other deception thereunder

is, for every refusal or neglect, or false answer or deception, guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both.

• (1500)

In other words, honourable senators, Canadians must, under the pain of significant sanction, give the information that is asked of them by the census taker.

It is interesting that the Government of Canada, having bluntly invoked its criminal law powers to threaten Canadians who might be disinclined to provide the information and then having promised Canadians that the trade-off is that the information will not be divulged, now seems to be willing to abandon its half of that bargain, even with the proviso that it will delay the release of the data for a period of time. Clearly, one can logically ask will Canadians in future census responses risk the sanction to keep their information private?

I can readily understand that the Chief Statistician might have some concerns in this regard. It would not surprise me if the government next finds it necessary to increase the penalties to encourage Canadians to continue to provide accurate information in future censuses.

My colleague Senator Comeau spoke at some length about the value of a government promise and the effect of retroactive legislation. I do not propose to cover that ground again. However, I do hope that the committee that will study this bill will hear specific testimony and questions that will be put by the honourable members of that committee on this point.

Honourable senators, there is another issue that is yet to be explored, which is a relatively new field of data mining. Most of the support for this bill emanates from Canadians who have a good-faith desire to learn about their ancestors. I hope the committee will also give some consideration to the possibility that commercial interests might find the information of use, even though it might not be with respect to a direct application to people who are still living. The patterns established by our ancestors may still have relevance to us and to our descendants when it comes to various enterprises, not the least of which might be insurance companies who operate that industry on actuarial data.

Turning back to my concerns about the process and the advocacy of some for this government proposal, I have viewed with some alarm the misinformation being propagated about the process and about the intentions of some honourable senators. I am sure that all honourable senators understand that it is much easier to give wings to propaganda than it is to stop its circulation or to correct it once it has been released.

It was with some alarm that many honourable senators listened to Senator Lynch-Staunton's opening remarks on the subject, on December 2, 2004. Indeed, had it not been for the letter-writing campaign of intimidation in November, which raised a number of concerns in my mind and likely in the minds of other honourable senators, I expect this bill might have completed second reading prior to Christmas.

I wish to stress that I have no opposition whatsoever to seeing the usual thoughtful and comprehensive study of the issues that a Senate committee typically provides. That said, I do want to place on the record a number of corrections to the misinformation that has been in circulation and which continues to be thrust forward through emails and correspondence.

First, what is before us — what we are debating at second reading — is a government bill. Although the honourable senator who has moved second reading of this bill was chosen by the government to speak to it first, no doubt because of her previous work on this subject matter, it remains a government initiative. That means that the government may, at any time, introduce a motion to limit debate or to use other mechanisms falling under the rubric of closure. The *Rules of the Senate*, with which we in this chamber are only too familiar, provide the government with the tools it needs to ensure that the business of the government is not unduly delayed.

The notion that a few senators, whether Conservative, Liberal or independent, can delay this bill indefinitely is simply incorrect. Thus, when the assistant of the honourable senator who has moved second reading of this bill wrote that she needs your help and that "We can't do much from our end because Conservatives can tell us to go to hell without there being any consequences," he was in error. The fact is that the government had the power then, as it is a government bill, and has the power now to force this bill through, providing only that it has the support of half the senators voting. For those outside this chamber who may not keep track of such things, the government has held a substantial majority in the Senate for some time now.

Second, there was a claim that Senator Lynch-Staunton's absence meant that no progress could be made on the bill until he spoke. Honourable senators know that this chamber goes through the entire Order Paper every sitting day. We often choose not to speak to some items, but any senator who has not already spoken to a bill may take up any bill on any day and it makes no difference in whose name it stands. There is no requirement that it be held for a particular senator beyond the demands of courtesy and a desire to ensure that those who wish to speak to a subject are given an opportunity to do so. I am pleased to say that this is a chamber not just of sober second thought, but a chamber where proprieties are generally carefully observed.

There was also a claim that this bill was being improperly held up to obtain other considerations. I will not pursue this allegation further since I understand that an apology has already been proffered. I will reiterate that under our rules, the government has the means by which set its priorities and advance its legislative proposals within the demands of its agenda and its own timetable.

Honourable senators, without recapitulating the specifics of the allegations that are in circulation, I trust that we will not see a continuation of the orchestrated campaign of interference during the course of our further study of this bill. These efforts at intimidation, or attempted intimidation, which commenced prior to the Christmas break, are unlikely to have a favourable impact on any honourable senator irrespective of where they sit in this honourable house.

• (1510)

Honourable senators, trust me: The senators who sit on this committee to do a detailed study of this bill, including clause-by-clause consideration, have an understanding that they will not be subjected to the abuse of thousands of emails and nasty telephone calls that made their way to this institution during second reading.

The Hon. the Speaker: I see no senator rising. Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Milne, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

FEDERAL NOMINATIONS BILL

SECOND READING—SUBJECT MATTER REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(Honourable Senator Rompkey, P.C.)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, there have been discussions across this chamber that indicate there is agreement to refer this important matter to committee for detailed study. Therefore, I move:

That Bill S-20 be not now read the second time but that the subject matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs; and

That the Order to resume debate on the motion for second reading of the bill remain on the *Order Paper and Notice Paper*.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

STUDY ON STATE OF HEALTH CARE SYSTEM

THIRD INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (first interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*, tabled in the Senate on November 23, 2004.—(Honourable Senator Kirby)

Hon. Michael Kirby: Honourable senators, I rise to make a few comments in the debate on the three reports that the Standing Senate Committee on Social Affairs, Science and Technology presented to the house and tabled for debate on November 23, 2004. The first of the three reports is *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*, which is essentially the first national overview of the state of mental health service delivery in Canada. The second report is *Mental Health Policies and Programs in Selected Countries*, specifically Australia, New Zealand, the United States and the United Kingdom, and provides a comparison of Canada with the programs of those countries. The third report is *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*, which will form the basis of the cross-country hearings that the committee will hold between now and the end of June in every province and territory of Canada.

Allow me to provide honourable senators with some interesting statistics from the nine weeks since the report was published. The Clerk of the Social Affairs Committee has told me that she has had requests for and has mailed out 1,705 copies of the report. To put that in perspective, the figure does not include copies that were downloaded from the committee's website. In the book publishing business, 2,000 copies would be deemed a best seller in Canada. Perhaps of more surprise to all, including members of the committee, is that while we do not know the number of hits on our website during the month of January because it takes several days into the next month to determine that figure, between November 23 and December 31 — some five weeks — there were in excess of 111,000 hits on the committee's website.

We tried a new exercise that had never been done by a parliamentary committee before. We put a short, simple questionnaire on our website in an attempt to give mental health consumers, their families and caregivers an opportunity to tell us their real life stories. There were about seven questions. We had anticipated that we might be fortunate enough to receive 100 to 120 responses, but as of yesterday we had received over 500 responses, and they continue to trickle in at the rate of two or three per day. Thus, this method of e-consultation works if you have the right questions. Obviously the committee has touched a nerve with this subject because Canadians have taken the time to tell their stories. The questionnaires will be extraordinarily helpful to the committee to enable us to put a human face on our final report that will be out at the end of the year. It will contain the committee's recommendations for transforming the mental health, mental illness and addiction system.

Many reports prepared by committees are often not read because of lack of time but I would ask all senators to read the first two chapters of the first report on Canada entitled "The Human Face of Mental Illness." Certainly, it is true that everyone I have asked to read those chapters comes away with two strong emotions: They want to cry and they want to be angry. If honourable senators truly want to understand why the mental health system is in the state that it is in, I urge them to take the time to read those two chapters. That is why the human face of this issue is so critical.

The enormous interest, as evidenced by the hits on the website, has been generated because consumers, family members, caregivers, policy makers, providers, academics, et cetera, have never had a focal point around which there could be a sensible discussion of mental health and mental illness issues in Canada. Indeed, the ultimate objective of the committee is to produce a report that will become a focal point around which all the various interest groups can rally to help to change that part of the health care system — the part that has been referred to by a number of people over the years as the orphan of the health care system, the part that was supposed to be not seen, not heard and not invested in. We are hoping to produce a report that will have a significant impact on the mental health system.

I will give honourable senators an inkling of how serious the problem is. Many committee members were surprised by the data, even though a majority of the committee members has experienced a member of their reasonably immediate family with a mental illness problem at some time. We understood the problem was fairly widespread. Repeated surveys over the years have shown that approximately one in five Canadians, or 4.5 million, will personally experience a bout of mental illness in their lifetime.

• (1520)

It is more troubling that 1.2 million children and adolescents experience mental illness or addiction problems of sufficient severity to cause significant distress and impaired functioning. Of those 1.2 million children, relatively few receive any treatment. Early diagnosis is terrible and the amount of resources available for treating them is terrible. When you add to that the fact that 70 per cent of adults with a mental illness had the illness as a child and the problem got worse because it was not treated, you understand the huge social and human impact caused by the failure to adequately provide for children's mental health services in Canada.

Mental health and addiction rank as the first and second causes of disability in Canada. It is not heart; it is not cancer; it is mental illness and addiction. Canada is not unique in that. Mental illness and addiction are first and second in every European country, every industrialized country, in Australia and in the United States. Yet, that part of the health care system has been largely ignored.

The economic impact of mental illness on business is staggering. A detailed analysis was done based on 1998 data — so the number would obviously be much greater today, six years later. The

1998 estimate was that the cost to the economy of people being mentally ill, partly due to absenteeism and partly due to people coming to work when they could not be truly productive, was \$14.4 billion. The direct cost of health care for mental illness was \$6.3 billion in 1998 dollars and would be substantially greater today.

The cause of this is quite striking. First, although we would like to believe it does not exist, stigmatization and discrimination is still rampant with respect to mental illness. Indeed, many of the questionnaires we have received from consumers have shown that the stigma of mental illness is the biggest burden they have to bear. They have told us that the stigma is actually a bigger problem than the illness, because they believe that if they tell friends, family or employer, there will be an extremely negative reaction.

Second, only one third of the people who have a mental illness in Canada get treated at all. To put it another way, two thirds do not. If two thirds of Canadians with any other type of illness were not treated, the outcry would be enormous. With respect to mental illness, people just pretend that the problem will go away naturally.

Third, our committee looked in great detail at the so-called medicare system, and we thought that was in trouble. I will tell you that the single most disorganized delivery system I have seen in my 30 years in the public service is the mental health system. It has so many silos; it is so fragmented; it is so uncoordinated that it makes the hospital and doctor system look extraordinarily efficient. One of the things that we will clearly have to deal with is the question of what to do with all the silos.

Finally, I will make an observation that troubles me as a Canadian. Canada is the only OECD country with no national mental health strategy. All the other OECD countries have a national plan, be it federal or not federal. The issue is not federalism. Australia, for example, which has essentially the same constitutional structure as us — health services are delivered by the states and the national government does much of the funding — has a plan, as does Germany and various European countries. Canada does not, and clearly the lack of a national mental health strategy is a huge gap in the system. Indeed, seldom has a federal politician even spoken out on the issue of mental health. It has been sort of out of sight, out of mind.

Three segments of the population are particularly badly underserved. I talked about children and adolescents. The data shows that Aboriginal Canadians are significantly worse off than the rest of the population. The data I cited previously about only one third being treated was for the population as a whole. The data with respect to Aboriginal Canadians is significantly worse.

Finally, seniors are extremely badly served, and that is not due to the demographics, which would be the easy answer. It is due to the fact that for many decades when seniors started to suffer a little bit of dementia — or "senility," as it was called when most of us were young — it was never treated as it ought to have been.

Has there been some improvement? There has been some. Is there a long way to go yet? There is an enormous way to go.

Our committee intends to develop a set of recommendations to serve as a focal point for federal and provincial governments to finally begin to address this issue. We have had enormous support from provincial governments on this issue. We are not getting any opposition whatsoever. The committee is getting enthusiastic support from provincial governments who love the notion of some element of coordination in policy planning.

We will try to do what we think we accomplished with our last report, that is, to provide something that can actually be used. We have set two constraints or boundaries on our recommendations.

The first is that, in order to be achievable, we will try to ensure that our recommendations are just inside the outer edge of political feasibility. That means that we will push the system as far as we believe it can be pushed while not pushing it so far that everyone just walks away and says that it cannot be done.

The second objective we will try to achieve, which I think we achieved in our last report, is that time-honoured Canadian principle of equalized unhappiness. By that we mean that, when we are finished, most interest groups will be happy with about three quarters of what we have done and most of them will dislike a different 25 per cent. Therefore, if they want to get the 75 per cent that they like, they will have to compromise and agree to take the 25 per cent they do not like. With one or two notable exceptions, like the Canadian Health Coalition, that happened with respect to our previous report.

Our objective, honourable senators, is to hold national hearings in every provincial and territorial capital. I urge all colleagues to attend our meetings when we are in your province. We welcome the participation of all senators, as if each of you were a full member of the committee. We do not have a priority ranking of any kind and we think it is important that you be seen to be interested in this issue.

We will use those hearings to produce a report that will be targeted very much at a role for the federal government and at transforming the delivery system to get away from the incredible number of silos and the fragmentation that currently exists.

We hope to ultimately produce a report that contains a plan for providing mental health and addiction services to Canadians across their lifespan, services provided in a way that is both linguistically and culturally sensitive, which is particularly appropriate given the nature of Canada. It is critical that the various cultures within the country be respected. It must be a consumer-centred approach, that is, one oriented around the patient and not, as it currently is, around those who deliver the service. It must be focused around the principle that most people with mental illness will be able to get better. That is a remarkably different perspective than the system has historically had.

I will remind honourable senators of something that came as a shock to us. Mental health institutions are not covered under the Canada Health Act. From day one, these institutions were excluded from the Canada Health Act. In fact, they were excluded from the original hospital insurance act of 1957. The reason for their exclusion is that in those days it was assumed that mentally ill people could never improve and, therefore, if they were in an institution they were there for life and, thus, they were not part of

a hospital program that is targeted at making people better but rather part of a long-term care program. The federal government argued in 1957, and repeated it all the way up to and including the 1984 debate on the Canada Health Act, that people who were mentally ill really belonged in long-term care institutions, that the federal government was funding long-term care through the CPP program and, therefore, these institutions and those people would be excluded under the Canada Health Act.

Clearly, the approach today must be much more oriented toward recovery, in much the same way that 20 years ago someone with a severe spinal cord injury was doomed to never be able to do anything useful.

• (1530)

I ask honourable senators to look at the changes that we have made in laws, in access, in parking spaces and whole variety of other things to make life much better for people who are physically disabled.

The Hon. the Speaker: Senator Kirby, your 15 minutes have expired.

Is leave granted, honourable senators, to allow Senator Kirby to continue?

Hon. Senators: Agreed.

Senator Kirby: Honourable senators, the attitude in the last quarter century that has enabled Canadians suffering from physical disabilities to lead much more productive lives in Canada must be applied to people suffering from mental health and addiction issues. We have a long way to go because we are exactly back to where we were when there was no accommodation made for anyone in a wheelchair or who was physically disabled. It is not like we have to do a little bit of improvement here; it is as if we are a long way back.

Finally, there is a huge role for the federal government — for all governments, but the federal government in particular — in promoting mental health awareness, in promoting the things Canadians can do to be mentally healthy and in promoting anti-stigma campaigns.

Australia, despite its macho image, started a coordinated national state anti-stigma program, and the change in the attitude of the population over the last decade has been absolutely striking. The program has been run and paid for by the national government. The acceptance of Australians with a mental illness is much greater now than when the program began 10 years ago. They have just started their third five-year plan and are making considerable progress.

I urge honourable senators to attend our hearings. When we come back before the end of the year — or, if worse comes to worst, the very early weeks of 2006 — we will be trying to lay out a plan that we hope all Canadians, whether they are direct consumers, caregivers, interest groups or the federal-provincial governments, will begin to rally around and start what will clearly be a long-term process.

Honourable senators, we are on a journey; it is not a one-shot effort. It is a journey that will have to be continued by people long after this committee has completed its work. We need to bring those Canadians who suffer from mental illness and addiction problems back into society and accomplish for them exactly what has been accomplished for the physically disabled over the last 25 years. My colleagues and I on the committee would feel an enormous sense of satisfaction if, as we hope, our report becomes the cornerstone around which that process begins.

On motion of Senator Keon, debate adjourned.

DECENTRALIZATION OF FEDERAL DEPARTMENTS, AGENCIES AND CROWN CORPORATIONS

INQUIRY—DEBATE ADJOURNED

Hon. Percy Downe rose pursuant to notice of November 25, 2004:

That he will call the attention of the Senate to the benefits to the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.

He said: Honourable senators, for a long time now Prime Minister Paul Martin has made it clear that he has no difficulty dealing with provinces and regions as separate entities. The latest and most dramatic expression of that policy direction was the decision to allow a side deal for Quebec during the recent health care summit.

Many thoughtful Canadians, including members of this chamber, argue that such an approach weakens the role of the federal government; but there is an element to this policy that could offer enormous benefits in the public perception of the federal government and the role it plays in every region of the country. For too long, bureaucratic power has been centralized in the hands of a few institutions concentrated in the National Capital Region. Now is the time for the Government of Canada to separate policy from process and decentralize federal departments, agencies and Crown corporations away from the National Capital area to the regions of Canada.

The reluctance to pursue decentralization was compounded during the period of federal fiscal constraint that started in February 1995. That year, the federal budget announced government-wide plans to eliminate programs and decrease the size of the government workforce. According to the Treasury Board website, provinces like Manitoba and British Columbia lost thousands of federal public service jobs while employment in the National Capital Region remained constant. At the highest executive levels of the public service, EX1 to EX5, the Ottawa area has continued to hold 70 per cent of positions from 1994 to 2003. To my mind, these facts point out a problem in the way the federal government is administered.

The potential benefits of relocating government departments are enormous. The initial upfront costs would be recouped many times over in many different ways. The region receiving the relocated institution would secure well-paying, permanent

positions. In turn, such moves would reduce the need for other forms of regional development. At the same time, the affected department or agency would reduce staff turnover and save recruitment and training costs. Just as important as any other factor, the Government of Canada would gain a permanent and strong presence in the affected region, helping to reduce the stresses of regional alienation.

Relocation should be done not only as an economic development tool, but because it is a logical move that better reflects the challenges of a geographically vast and diverse nation. For example, the National Energy Board was relocated to Calgary years ago and is now closer to energy production. Why, then, is the Export Development Corporation currently located in downtown Ottawa? It could be situated in Vancouver. After all, Canada does more than \$20 billion of trade with the state of California alone.

Does it make sense for the employees of the Department of Fisheries and Oceans to locate themselves in a high-rise in Ottawa where they cannot see a harbour or a fishing boat, or does it make more sense for them to be located on one of Canada's coasts where they can see the impact of their decisions on fishing communities and the residents more directly?

Some would say it is too difficult to embark on a real program of decentralization. This argument, however, is based on the assumption that important work can only be done in Ottawa. Such a notion is dispelled by new communication technologies, which include video conferencing, that allow far greater flexibility to all organizations.

The government can look abroad for examples of decentralization. British Prime Minister Tony Blair announced in his spring Budget of 2004 the relocation of 20,000 public servants from London to the regions of the United Kingdom. In 2003, the Norwegian government announced plans to move eight state agencies outside its capital. Relocation is possible; all that is needed is political will.

In the past, there have been moves in this direction. In 1976, Jean Chrétien, then President of the federal Treasury Board, and Dan MacDonald, then Minister of Veterans Affairs, announced the relocation of the national headquarters of the Department of Veterans Affairs to my home community of Charlottetown, Prince Edward Island. The plan met opposition, including the then mayor of Ottawa, who called the relocation a mindless action. Twenty-eight years later, the benefits for Prince Edward Island are obvious and highly valued.

• (1540)

I have mentioned before the economic benefits of relocating the headquarters of Veterans Affairs to Charlottetown, and I will highlight them once again. They include 1,200 full-time public service jobs, an annual payroll of \$68 million, many student jobs during the summer, and a career path for generations who want to stay in the region.

Beyond the economic contribution, the presence of Veterans Affairs has made a significant contribution socially. Veterans Affairs has broadened Prince Edward Island society to include a vast array of highly trained professional public servants who contribute their every working day to public affairs and to Prince Edward Island society.

At a completely different level, one of the most exciting impacts of Veterans Affairs headquarters being in Charlottetown has been the remarkable increase in the use of the French language. Prince Edward Island has always had a thriving Acadian community, but the addition of Veterans Affairs deepened the role of the French language. According to Statistics Canada, after Quebec and New Brunswick, Prince Edward Islanders are third amongst the provinces in their knowledge of the two official languages. There is no doubt that the strength of the Acadian community assisted in that regard; however, to my mind, the greatest single contribution to the increase in the use of the French language is the presence of Veterans Affairs.

Sadly, and in spite of all the benefits, the intense controversy surrounding the relocation of Veterans Affairs many years ago forced the national decentralization program to be quietly dropped. As I mentioned, when the dust cleared, Veterans Affairs was and remains today the only federal department with its national headquarters located outside of Ottawa.

However, there are indications that this could change. There has been a proposal to relocate the Canadian Tourism Commission, an agency of less than 100 employees, from Ottawa to Vancouver. At the same time, recent announcements made by the Minister of Public Works, Scott Brison, could hold great potential for decentralization. Minister Brison unveiled the proposal of selling government buildings to the private sector, to save operational costs. This move would further ease the relocation of departments and agencies to the regions. Mr. Brison himself alluded to this possibility, saying that the release of ownership would help create opportunities in places like Halifax or Moncton. However, these proposals should only be the start to a greater decentralization program.

In closing, honourable senators, in addition to the national headquarters of Veterans Affairs, I would like to also acknowledge the leadership of the Right Honourable Brian Mulroney, who relocated the GST Centre to Summerside, P.E.I. I believe it is now time for Prime Minister Paul Martin to restart the decentralization program and give the other regions of Canada the same opportunities and benefits enjoyed by Prince Edward Island over the past 28 years.

Hon. Terry M. Mercer: Honourable senators, I rise in support of the comments of Senator Downe. The theory of decentralization of government services is one that has a dramatic effect in all the communities. Anyone who has visited Charlottetown since Veterans Affairs has relocated there can see the change. Many communities across the country could benefit from this.

Many resources currently owned by the Government of Canada are being declared redundant or surplus. Prior to disposing of

these assets, we should look at whether there is a federal government department or agency that could perhaps be decentralized to those locations. A prime example is in my own province, where large tracts of CFB Shearwater have been turned over to Canada Lands. I fear we will end up with housing as opposed to a good industrial use or a use that would require airports.

Honourable senators, I refer you to several decisions by the Fisheries Committee in the other place. That committee has unanimously pushed for the decentralization of the Department of Fisheries and Oceans to both the West Coast and the East Coast. God forbid that anyone in that department would ever actually relocate to one of those coasts and bump into a fisherman. If there is a department that needs to get out there with the people it is supposed to be servicing and working with, it is DFO.

Decentralization can be very helpful to smaller parts of Canada. I am concerned about relocating an agency with 100 employees to Vancouver; however, if 100 employees were relocated to, say, Kamloops or to some other part of the B.C. interior, their impact on the local economy would be considerable.

Canada is one of the most wired countries in the world. It is not necessary for people to be here in Ottawa to do much of the work.

Take, for example, some of the communities across Atlantic Canada. There is a debate in New Brunswick about the airport in Saint Leonard that it is about to close. If there were a federal government agency somewhere in that community, whether in Grand Falls or Edmundston or some other place, it would draw people who travel frequently on business, which in turn would give some more support to that other infrastructure that is in the community. Relocation is not just a matter of jobs and a payroll; there are other benefits to relocation.

Senator Downe's comment about language issues is important. Wherever government agencies have relocated outside of the National Capital Region, the effect has been positive, Charlottetown being a prime example, as well as Summerside, and Vegreville and the Tax Centre in Shawinigan. Some of the offices in Moncton have had a positive effect around New Brunswick.

This is a study that is worth pursuing and, as such, I support Senator Downe in his inquiry.

On motion of Senator Robichaud, debate adjourned.

The Senate adjourned until Thursday, February 3, 2005, at 1:30 p.m.

CONTENTS

Wednesday, February 2, 2005

	PAGE		PAGE
SENATORS' STATEMENTS		Justice	
Nova Scotia		Sam-Sex Marriage—Involvement of Church	
New Waterford—Twenty Fourth Annual Coal Bowl		Freedoms of Speech and Religion.	
Classic Basketball Tournament.		Hon. Noël A. Kinsella	591
Hon. Terry M. Mercer	588	Hon. Jack Austin	591
Liberation of Auschwitz-Birkenau		Hon. Gerry St. Germain	591
Sixtieth Anniversary.		Hon. Jean-Claude Rivest	593
Hon. A. Raynell Andreychuk	588	Health	
The Senate		Approval and Monitoring Process of Vioxx.	
Jean Cochrane—Tribute on Retirement.		Hon. Wilbert J. Keon	593
Hon. Lowell Murray	589	Hon. Jack Austin	593
National Aboriginal Achievement Awards 2005		Transport	
Congratulations to John Joe Sark.		British Columbia—Effect of Congested Commercial Corridors.	
Hon. Elizabeth Hubley	589	Hon. Gerry St. Germain	593
Newfoundland and Labrador		Hon. Jack Austin	594
Agreement on Offshore Oil Revenues.		ORDERS OF THE DAY	
Hon. Ethel Cochrane	590	Migratory Birds Convention Act, 1994	
The Late Latham B. Jenson, O.C.		Canadian Environmental Protection Act, 1999 (Bill C-15)	
Hon. Wilfred P. Moore	590	Bill to Amend—Second Reading.	
Visitor in the Gallery		Hon. Ethel Cochrane	595
The Hon. the Speaker	590	Hon. Willie Adams	597
		Hon. Serge Joyal	597
		Referred to Committee.	
		Hon. Elizabeth Hubley	598
ROUTINE PROCEEDINGS		Statistics Act (Bill S-18)	
National Security and Defence		Bill to Amend—Second Reading.	
Notice of Motion to Authorize Committee to Meet During		Hon. Noël A. Kinsella	598
Sitting of the Senate.		Referred to Committee	
Hon. Bill Rompkey	591	Federal Nominations Bill (Bill S-20)	
		Second Reading—Subject Matter Referred to Committee.	
		Hon. Bill Rompkey	600
QUESTION PERIOD		Study on State of Health Care System	
Foreign Affairs		Third Interim Report of Social Affairs, Science and Technology	
Same-Sex Marriage—Involvement of Church—		Committee—Debate Adjourned.	
Comments by Minister.		Hon. Michael Kirby	600
Hon. Noël A. Kinsella	591	Decentralization of Federal Departments,	
Hon. Jack Austin	591	Agencies and Crown Corporations	
		Inquiry—Debate Adjourned.	
		Hon. Percy Downe	603
		Hon. Terry M. Mercer	604



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 31

OFFICIAL REPORT
(HANSARD)

Thursday, February 3, 2005

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, February 3, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: I wish to draw to your attention the presence in the gallery of Lord Beaverbrook.

On behalf of all senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

LIBERATION OF AUSCHWITZ-BIRKENAU

SIXTIETH ANNIVERSARY

Hon. Jerahmiel S. Grafstein: Honourable senators, Auschwitz holds a dark significance for both my mother's family and my father's family. All but two in my mother's extensive family who lived in Poland before the Second World War perished in Auschwitz.

My father's branch of the family went from Austria to Southern Poland over two centuries ago and settled in a small village not far from Auschwitz. One branch of my father's family emigrated to France and Belgium. My father, his sister and older brothers, save one, immigrated one at a time to Canada, starting at the turn of the last century. My father's oldest brother and all his sprawling family and cousinhood, some 63 in all, remained in Poland and were transported in 1940 not far from their peaceful village to Auschwitz — where all but two perished.

So, exactly what do we demand from ourselves when we commemorate on January 27, 60 years since the liberation of Auschwitz? What are we to do? What are we to remember?

The Hebrew word for memory is *zachor*. The rabbis tell us that *zachor* is not a passive word, that *zachor* looks backwards and forwards. Although we must never forget the past, we live in the present. *Zachor* is an imperative verb. *Zachor* cannot ignore the present because the root of Auschwitz and the Holocaust was hate of the "other" — unreasoned, impassioned fear and hate of the other.

Back in July 2002, the annual OSCE Parliamentary Assembly met in Berlin in the very Reichstag where the infamous Nazi laws were passed in the 1930s, considered and unanimously approved a resolution that I co-sponsored, urging parliamentarians in all member states — 55 in all — and others to study and address the insidious revival of anti-Semitism across the entire OSCE space, including Canada. In the last three years, anti-Semitic incidents have erupted and escalated across Canada — and all of those since the resolution against anti-Semitism was first introduced in the Senate.

I gave notice of a motion to study the OSCE resolution on November 21, 2002, which languished on the Order Paper for almost a year and a half. On February 3, 2003, the resolution was referred by unanimous consent for consideration by the Standing Senate Committee on Human Rights, which held hearings for several hours on April 19, 2004. There, the matter stayed until Parliament dissolved on May 23, 2004.

The OSCE resolution is a long one, but in part it urges — and I quote — consideration of the following:

...effective measures to prevent anti-Semitism and to ensure that laws, regulations and practices and policies conform to the OSCE commitments.

Canada now lags behind a number of other states who have considered and acted on this resolution and made recommendations. Why commemorate Auschwitz if not to move to eradicate the roots of anti-Semitism in our time? I urge the Standing Senate Committee on Human Rights to revive the resolution and give careful consideration to how this generation and future generations of Canadians can eradicate the contagious virus of anti-Semitism that animated and engineered Auschwitz and the Holocaust.

How can we teach our children to respect the "other"? Senators, how can we expect our children to respect differences if the Senate remains indifferent to ongoing egregious acts of hate and discrimination in our time?

Hon. Senators: Hear, hear!

NEWFOUNDLAND AND LABRADOR

AGREEMENT ON OFFSHORE OIL REVENUES

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I rise to congratulate all who participated in the negotiations for the offshore accord with Newfoundland and Labrador — first of all, the Prime Minister, who kept his promise and who kept it for all the right reasons.

He knew this was not just a deal about oil, but about rectifying past injustices and about helping a province in grave economic circumstances. He knew about our \$10-billion debt and about how much, every year, goes toward paying down that debt. He knew we were weak and that he could help to make us strong. He knew what he had to do and he did it.

As well, congratulations go to Premier Danny Williams. He knew that we were not a have-not province but a keep-not province. He knew that, in spite of our resources, financially we were simply running on the spot with no hope of ever catching up. He knew that given a fair start, we could not only support ourselves but be a strong contributor to the nation. He knew that although the fish were gone, the oil was still there, and that it

would be our last best hope. He knew it was now or never, and his determination and perseverance led him to succeed where his predecessors had failed. He knew what he had to do and he did it.

Those of us who kept close to the negotiations know that there were others who played significant roles. Minister John Efford brought his passion to the debate; and honourable senators should know that Senator George Furey played a key role in articulating the position of the province and providing a less emotionally charged channel of communication.

We became part of this country less than 60 years ago. We were the only independent country to join Canada. We brought with us to Canada a long coastline rich in marine life and petroleum reserves. We brought with us abundant hydroelectric power and vast mineral lodes. Yet, in spite of that, we saw ourselves slipping more and more into the slough of dependency.

Because of this accord, we will no longer reflect on the past but set our sights on new horizons. It does not mean that tough times are over — just paying down the debt will restrict our ability to educate people or to keep them healthy — but we now have a fair chance. Because of this accord, we can become full Canadians not just in name but in deed.

Hon. Senators: Hear, hear!

THE LATE ROY FRASER ELLIOTT, O.C.

Hon. W. David Angus: Honourable senators, I rise today with much sadness to signal the passing last Wednesday in Toronto of a truly remarkable Canadian, a man I was privileged to know as a friend and loyal partner for close to 50 years.

Roy Fraser Elliott lived a diverse and productive life, and Canada is surely enhanced for his having passed this way. On Monday afternoon, Grace Church on-the-Hill in Toronto was full to capacity as individuals whose lives he touched in a myriad of ways came from near and far to celebrate his life.

As the French would say, Fraser Elliott “avait beaucoup de cordes à son arc.” He had many strings to his bow. He was a brilliant lawyer, a canny businessman and entrepreneur, a sensitive patron of the arts and a generous benefactor to countless causes and institutions. He was also an astute art collector and an avid sportsman. He loved golf and salmon fishing. His ardent competitive spirit, so evident in his professional and business life, was also alive and well on the golf course.

• (1340)

Fraser was born here in Ottawa on November 25, 1921, the son of Colin Fraser Elliott, a lifetime civil servant, whose career included terms as Deputy Minister of National Revenue and Ambassador to Chile. Fraser's higher education included a B.Comm. from Queen's University in 1943, a law degree from Osgoode Hall in 1946, and a Harvard M.B.A. in 1947. Although a proud son of Ontario, after Harvard, Fraser had ventured to Montreal in la belle province du Québec where his extraordinary career would take shape and evolve over the next 30 years, before he decided, in 1976, to continue his noble pursuits in Toronto. He quickly mastered the mysteries of le droit civil and was sworn in

as a member of le Barreau du Québec in 1948. Fraser befriended his father's protege, a brilliant young tax lawyer named Heward Stikeman, who had just returned to Montreal after nine years as a government lawyer in Ottawa, including two years as special counsel to the Standing Senate Committee on Banking, Trade and Commerce, where he had a mandate to design a complete new set of tax laws for Canada.

In 1952, these bright and ambitious young men, as equal partners, founded their own tax and corporate boutique law firm, Stikeman Elliott. They complemented each other beautifully; Stikeman being the visionary intellectual and legal purist, and Elliott the pragmatic businessman. Today, Stikeman Elliott is a leading global law firm with close to 400 lawyers, and Fraser was still attending the office as recently as two weeks ago.

For Fraser Elliott, hard work, focus, loyalty, integrity and sound judgment were the key ingredients to success. He also earnestly believed that success and good fortune carry with them the obligation to put back into society. He always encouraged his colleagues and associates to get involved and to participate in community affairs and public service.

Fraser's incisive business acumen manifested itself outside the law firm through a wide variety of successful commercial ventures, through which he accumulated a substantial fortune. By far his favourite and best known business pursuit was Canadian Aviation Electronics Ltd., or CAE. He and Mr. Stikeman invested in CAE in 1951 as a small start-up technology company. Fraser went on to serve as its chairman.

The Hon. the Speaker: I apologize for interrupting, but the honourable senator's time has expired.

THE LATE LAWRENCE O'BRIEN

Hon. Ethel Cochrane: Honourable senators, I rise today in tribute to Lawrence O'Brien, Member of Parliament for Labrador, who recently passed away at the young age of 53. Although a young man, and only in Ottawa since 1996, Lawrence's list of contributions to the people of his home, his province and his country was anything but short.

Throughout his life, he was devoted to serving his community. Whether as a school teacher, an adult educator or a town counsellor, Lawrence sought to make a positive difference. It was no different when he arrived on Parliament Hill to fill the seat vacated by our honourable colleague. Lawrence was involved in everything, from fighting for an increased seal hunt to keeping NATO training flights in Labrador, to helping create his region's flag.

However, the historic achievement that I think is most reflective of Lawrence's work came in 2003, when our province's name officially became Newfoundland and Labrador. It was no easy task. The name change required no less than a constitutional amendment. However, it was an act of lasting value and of tremendous symbolic importance to the people of our province. I had the pleasure of speaking in support of that amendment in this place and was only too happy to further the cause, which he so passionately presented.

However, aside from those things, which I am sure history will forever recall, it is the much more discreet gestures and acts that I will remember. I remember, for instance, all the positive stories I have heard from people about encounters they have had with Lawrence O'Brien: about his stepping-in to make sure that stranded air travellers in Labrador made it home for the holidays; or how he ensured that a constituent, who was in desperate need of equipment to start a home-based business, had what she needed within two weeks.

Those are the things that we rarely read about and seldom see, but those are the truest reflections of Lawrence O'Brien. He made the news last October when, in ailing health, he left his hospital bed to vote on the Throne Speech here in Ottawa. Many were astounded by that act of loyalty and devotion, but, frankly, that level of dedication was indeed typical of Lawrence.

Honourable senators, the Prime Minister has said of Lawrence — and I quote:

He was a man of honour, he was a man of principle. He was a man of character....Above all, he was a man of Labrador.

I could not agree more.

To his wife, Alice, and their two children, I extend my heartfelt condolences.

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, it is with great pride that I stand in this chamber today to call your attention to the importance of Black History Month.

We celebrate Black History Month each year to acknowledge the vibrance of Black history and culture and the rich contributions of Blacks to Canada. I also believe that Black History Month should be a period of reflection; it should be a period where all Canadians ask themselves how they can improve the condition of Blacks, and indeed, of all visible minorities across Canada.

Honourable senators, I am here to tell you that there is still much work to be done. Racism remains entrenched in Canadian society. It exists in our public service, in our schools and within our police forces.

In our public service, for instance, visible minorities occupy just 7.4 per cent of the workforce, despite making up more than 15 per cent of the population generally. Of the visible minority groups in Canada, the Conference Board of Canada recently reported that Black people are the most likely to be victims of racism, at 32 per cent.

Racial profiling also continues to be a cancer within our police forces. Successful Black men and women continue to be stopped, pulled over and interrogated, simply because of the colour of their skin. The Ontario criminal justice system reported in 1995 that 50 per cent of all African-Canadian males had been stopped or questioned by police in the past two years compared with 25 per cent of White males. In this very chamber, honourable senators, only three Black Canadians have ever been privileged to serve this country. What is more, of the 89 senators who currently sit in the Senate of Canada, only four are visible minorities — an unacceptable 4.5 per cent.

This year, Black Canadians celebrate the 400th anniversary of our presence in Canada. Mathieu da Costa, a Portuguese navigator and explorer, came to the New World alongside Samuel de Champlain in 1605. In the 400 years since da Costa's arrival, there have been profound changes to Black culture in Canada. We have gone from slavery to freedom. We have taken part in two World Wars. Blacks have done their part to build Canada into what it is today, but they remain marginalized and unequal. Opposition to diversity still exists. Racism continues to block our advancement, and this must change.

We celebrate Black History Month to remind all Canadians, from coast to coast, that the quest for equality is far from over. It is a time of reflection, a reminder to Canadians that the fight against systematic racism must continue until it is exterminated from our society. It is a time to celebrate Black history and culture, but also a time to promote Canada, where everyone is treated equally, regardless of the colour of their skin.

Honourable senators, that is the Canada that I want, and that is the Canada we must build.

• (1350)

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. John G. Bryden presented Bill S-24, to amend the Criminal Code (cruelty to animals).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Bryden, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

NATIONAL EARLY LEARNING AND CHILD CARE PROGRAM

NOTICE OF INQUIRY

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rules 56 and 57(2), I give notice that, on Wednesday, February 9, 2005:

I shall call the attention of the Senate to the future national early learning and child care program, and in particular to the staff that will provide the services offered under this program.

[English]

QUESTION PERIOD

TRANSPORT

BRITISH COLUMBIA—EFFECT OF CONGESTED
COMMERCIAL CORRIDORS—DUAL TRACKING
OF CANADIAN PACIFIC RAILWAY LINE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, as the time allocated for Question Period yesterday overcame us in the midst of a very interesting exchange of questions and answers from the Honourable Leader of the Government in the Senate concerning transportation issues affecting the West Coast, I wanted to ask this question.

The issue of rail transportation through the Rockies to the West Coast was mentioned in yesterday's exchange. Currently, Canadian Pacific Railway has a single track that runs through the Rockies. It is very difficult terrain and often there are the accidents of nature such as slides, and we read in the paper of the track being blocked. It is amazing how quickly the track can be backed up. It was brought to our attention that consideration is being given to dual tracking the Canadian Pacific line.

My understanding from the exchange yesterday was that individuals involved in the British Columbia railway industry and those who use the railways in their trade are hoping to see the process of dual tracking along the rail line sped-up. Sometimes there is a lot of bureaucratic red tape that holds back the process. All Canadians are aware that no matter where one lives in Canada, economic spinoffs for the whole country can result from dual tracking. Also, given that Canadians from coast to coast to coast are proud of the fact that the Winter Olympics is slated for Vancouver in 2010, a sense of urgency might be added to the question of dual tracking CP lines.

Is the federal government prepared to further collaborate with Canadian Pacific to expedite the process of dual tracking in the province of British Columbia?

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate the question. I think it was in my answer that I referred to consideration being given by Canadian Pacific Railway to increasing its rail carrying capacity, partly through dual tracking, in the line that runs from the Port of Vancouver through to the Rockies. I did not mean to suggest that the entire line would be dual tracked but that Canadian Pacific Railway, in managing the two-way flow of rail traffic, could increase capacity by additional dual tracking. I was given a number that indicated that enhancing railway capacity would cost probably in excess of half a billion dollars.

The matter of railway capacity from the Port of Vancouver is under study in the federal government by the Department of Transport and by other departments affected. I have no further information that I can give the honourable senator at this time.

CANADIAN BROADCASTING CORPORATION

UKRAINE—
RADIO CANADA INTERNATIONAL CUTBACKS

Hon. A. Raynell Andreychuk: Honourable senators, I have risen before to speak about RCI programming to Ukraine. In 2004 there was an announcement that the programming would be cut back effective January 28, 2005. Due to realignment of the RCI budget, programming for Ukraine was cut back and other countries were added, with which I have no dispute.

However, in light of what has transpired since the Canadian government made that decision in consultations with the CBC, there is an opportunity to revisit and strengthen the necessary international services to Ukraine. The previous programming was of varying types, and I do commend RCI for putting emphasis on public service as this is very important.

The election in Ukraine taught us that there was a lack of even-handed information into all parts of Ukraine. While President Yushchenko is sounding a hopeful sign for democratic reform in Ukraine, I believe that the Canadian government must support this endeavour. It is inappropriate to cut back the Ukrainian programming service at this time.

The honourable leader's answer to my previous question was that this is a hands-off CBC issue and that the CBC is at arm's length. However, in looking into this matter by way of further discussions with CBC and others in the government, it is apparent that the issue is not quite that simple.

DFAIT, on behalf of the Canadian government, sits down with the CBC to negotiate and discuss what programming will fall under the rubric of international services. I do not quarrel with the choices they made a year ago, but the landscape has changed entirely. An appeal to both the government and the CBC has not borne fruit. On January 28, the programs were dramatically cut back.

CBC has indicated to me that they have no further money and that they have not received a signal from the Canadian government that the government wishes to revisit this issue.

Is the Canadian government willing to revisit this issue to determine whether further funds could be injected into Ukrainian programming at this important time to assist in the momentum for reform and change in Ukraine?

• (1400)

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no quarrel with Senator Andreychuk's description of the facts. I, too, have looked into the issue since that exchange of questions and answers and have discovered that RCI does have a continuing dialogue with Foreign Affairs Canada with respect to priorities for Canada to reach foreign communities through broadcasting.

As Senator Andreychuk has said, this was a priority set more than a year ago, and the CBC, seeking to serve Canada's interests, accepted the recommendation of Foreign Affairs Canada with respect to a change of broadcasting priorities.

As Senator Andreychuk has said, events in Ukraine overtook the decisions that were made by RCI and the advice given by Foreign Affairs Canada, and no adjustment to their priorities was made by either of those parties in view of the changing circumstance.

I have had discussions with an official of the CBC and an official of the Department of Foreign Affairs with respect to the matter. I cannot report that any change has taken place, but I can say that I made strong representations that the previous service be restored.

Finally, I did not suggest new financial resources be given to the CBC. Funding to the CBC is a matter of incredible complexity. I simply asked them, through their own means, to restore the service because clearly, in light of today's events, it is a major priority to have the values of Canada and Canada's interest in Ukraine and its democratic development reflected through these broadcasts.

Senator Andreychuk: Honourable senators, I fully understand the current position of the CBC. They have apportioned among a number of countries the money that was provided for international services. They simply could not, at this late hour, withdraw it from programming elsewhere. However, I would plead for a one-time, one-year injection of money for international services. The Canadian government spent a minimum of \$5 million — and I would suggest that it was much more than that — on election monitoring. This is a critical point in the life of Ukraine, and Canada can do something to make its investment profitable. The people of Ukraine must hear from Canada that we continue to support them and continue to want a strong, reformed Ukraine.

Continuing this service at this critical time would top-up our investment in election monitoring. This is a special case. It does not have to be CBC funding because we are talking about international services. I ask the Leader of the Government in the Senate to raise this matter with the government and the Prime Minister.

Senator Austin: Honourable senators, I would be pleased to do so.

As the honourable senator indicated, once the decision was taken, different resources were assembled to broadcast to Brazil and other parts of South America, as it turns out, and resources dealing with Ukraine were transferred. It takes time to put all of those resources back in place, if in fact we can achieve the necessary decision.

I assure the honourable senator that I am making representations to the Minister of Finance to make this a special item. The honourable senator has again raised the matter, and the support of other senators would be of assistance.

Senator Andreychuk: As a footnote, I think the CBC is looking for a signal from the government, so there is some room for discussion. This request must be taken-up as a special concern. Extending service to Ukraine would be a good example of what we could constructively do in other cases, perhaps. It would not be difficult to readjust the existing staff component and availability of resources to a more public services-oriented format, which is critically needed at this time.

Senator Austin: This series of questions and answers obviously demonstrates the importance of public-owned broadcasting in Canada.

FINANCE

GUARANTEED INCOME SUPPLEMENT— POSSIBLE INCREASE

Hon. Gerald J. Comeau: Honourable senators, last month, Senator Downe wrote to the Prime Minister to request an increase in the Guaranteed Income Supplement benefit paid to Canada's poorest seniors. I want to commend Senator Downe on his initiative, but I find it curious that he would need to write such a letter given that during last year's election the Prime Minister promised to increase the GIS by a total of \$1.5 billion over five years.

Could the Leader of the Government in the Senate explain why there has yet to be any announcement on either the timing or the details of that increase, and could he tell us what the hold up is on this increase in the GIS?

Hon. Jack Austin (Leader of the Government): Honourable senators, the obvious answer is that the government has a large number of requests for the expenditure of the fiscal surplus. The Minister of Finance is in his pre-budget cycle now, therefore these representations by Senator Downe and Senator Comeau are timely. I will ensure that Senator Comeau's question is drawn to the attention of the Minister of Finance.

SOCIAL DEVELOPMENT

GUARANTEED INCOME SUPPLEMENT— COMMUNICATION OF INFORMATION

Hon. Gerald J. Comeau: Honourable senators, I commend Senator Downe for the inquiry he launched last October. At that time, he raised the concern that several thousand needy seniors are not getting the Guaranteed Income Supplement because they do not realize that they are eligible for it or had otherwise failed to apply.

In the three and a half months since this concern was brought to the attention of the Senate, has the Leader of the Government sought any information on what is being done to address this problem, or has he learned of any new initiatives? If so, does he have anything concrete to report to the Senate with regard to enabling these potential GIS recipients to access this initiative? They are the most needy in society, and we must make every effort possible to ensure that they get what is due them under Canadian law.

Hon. Jack Austin (Leader of the Government): Honourable senators, the issue of making public information available to potential applicants has been under review since the question has again arisen. Obviously, the starting point is the responsibility of every Canadian to be informed of what is available. The question, then, is how proactive government officials can be and the cost of that "proactivity."

Is it easy to find the constituency to which you are referring, Senator Comeau? How do we approach them? How much assistance do we give them and what is the cost of that particular activity? Obviously, everyone wants seniors who need the GIS to get the GIS.

Senator Comeau: Honourable senators, I am glad that the leader asked those questions, and I do have a suggestion. I think this was brought forward by Senator Downe as well, and I commend him for this initiative.

• (1410)

The Canada Revenue Agency does have regular contact with Social Development Canada. They do talk on a regular basis. Similarly, when the Government of Canada wants to collect income tax, for example, it does have communications with certain provincial departments. Obviously, if the federal government can talk to provincial departments in order to collect revenue from citizens, it should not be much more difficult for one federal agency to talk to another federal agency.

I agree entirely that we have to leave the onus on Canadians to inform the federal government, but some people may not be as familiar with government programs as we are. We have to go the extra mile to encourage government to act the same way it does in accessing information from another department when it wants to collect taxes. Why does the federal government not encourage those departments to contact seniors to collect what is due to them under the GIS?

Senator Austin: I am entirely in accord with the sentiment, but I do want to comment on the process that has been outlined. Tax information is kept confidential and is not shared with other government departments except in the most restricted of circumstances.

The honourable senator referred to the provinces. The agency acts as a tax collector for most of the provinces and therefore does work with those provinces in respect of certain kinds of information given.

One of the problems with reaching people who are eligible for GIS is essentially this whole question of tax privacy. How much searching does one do? The program under consideration appears to be again limited to some form of public notice and public advertising. Hopefully, other Canadians who know of senior citizens who are eligible for GIS could play an important role in forwarding the information available to the applicant.

Senator Comeau: One final suggestion is that when those seniors apply for GST rebates, and most of them do, perhaps at that point the GST department, which does not fall under the income tax department, might issue to those individuals a notice asking if they have considered applying for GIS.

Senator Austin: Thank you. I will pass that suggestion along.

FOREIGN AFFAIRS

CHINA—PRIME MINISTER'S VISIT— FUNERAL OF FORMER PREMIER ZHAO ZIYANG

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate.

During his recent trip to China, the Prime Minister said:

You do not defend human rights by simply making statements. You defend human rights by being persistent and consistent.

It would seem that the Prime Minister did neither during his trip to China with respect to the death of the former Communist Party leader Zhao Ziyang. There was very little mention of Mr. Zhao by the Prime Minister except to criticize a member of our Parliament who wanted to pay his respects to Mr. Zhao's family and offer support to the pro-democracy movement.

Could the Leader of the Government in the Senate tell us in what way the Prime Minister's apparent reluctance to speak about Mr. Zhao during his visit to China could be categorized as being part of the persistent and consistent defence of human rights?

Hon. Jack Austin (Leader of the Government): Honourable senators, let me answer the question with a preface. I knew the former premier, Zhao Ziyang, very well. I negotiated Canada's Expo 86 invitation to China in the fall of 1983. Premier Zhao came to that negotiation and participated in the concluding part of it.

I also negotiated his state visit to Canada in December 1983 and in January 1984, and I was the minister in attendance to Premier Zhao for nearly three weeks of that visit.

Subsequent to 1984, I was able to visit with Premier Zhao in Beijing once or twice a year. I knew Premier Zhao and Jason Kenney did not. Jason Kenney accompanied the Prime Minister to China for the purpose of assisting and facilitating the development of Canada-China relations.

Premier Zhao is an important figure in Chinese political history. His role will be studied for a very long time.

Prime Minister Paul Martin expressed his condolences to the Chinese leadership in private meetings. He was not called upon to make a public gesture with respect to the political standing of Premier Zhao in China.

I felt that I, too, should at that particular time last month express my condolences to the Chinese leadership, and in both cases it was graciously received. It was not the subject of negativity on the part of the Chinese leadership. However, as for public gestures by a representative of the Government of Canada, which is the Prime Minister or myself as members of the Government of Canada, this is not in accordance with our international role and responsibilities.

I return to Jason Kenney, who decided for his own reasons to make an overt political gesture. There are precedents, of course, in China. A former parliamentary colleague, Svend Robinson, made a dramatic gesture in Tiananmen Square by unrolling a banner. It is very easy to capture headlines with gestures of that type, and it is a little harder to build a relationship of confidence and trust step by step. To attempt to illustrate the value of the Canadian system by demonstrations that are simply press-catching is not constructive.

Finally, I want to say that Mr. Kenney called members of the press and asked them to go with him to the home of Zhao Ziyang. He did not make that call as Jason Kenney but deliberately set-up a media event to take advantage of whatever came with that in terms of Canadian political reaction. He was not, therefore, present for discussions about human rights and Canadian values.

Immediately after his demonstration, Mr. Kenney left China. He did not stay with the Prime Minister's mission, which certainly does raise, in my mind, questions about the practice that has developed of opposition members travelling with the government in support of the government-to-government relationship with foreign countries.

CHINA—PRIME MINISTER'S VISIT— COMMENTS ON HUMAN RIGHTS

Hon. Donald H. Oliver: My question had been about human rights. The Prime Minister also remarked during his visit that China had made considerable progress in improving its human rights record. This claim mystified the many Canadians who believed that China's record over the years has remained very poor. The Prime Minister's remark must have also surprised the Chinese-Canadian journalists who were denied visas to cover his trip and the Canadian journalists who were harassed by Chinese authorities during the visit. Where is the persistent and consistent defence of human rights in the Prime Minister's statement that China has made considerable progress in recent years?

• (1420)

Hon. Jack Austin (Leader of the Government): Honourable senators, Jason Kenny's behaviour had nothing to do with human rights. It had everything to do with political opportunism.

With respect to the rest of the honourable senator's question, I replied extensively to questions this week on the way in which Canada is seeking to develop and cooperate with China in the evolution of its legal and individual rights system. Enormous progress is being made in the economic and social freedom of the Chinese people.

I will say in summary that the Chinese people are studying other systems. They are busy, in their academies, think-tanks, universities and government agencies, assessing the political institutions of the future. Political and judicial development in China is not arrested. It is moving forward.

That Westerners believe they have the answers for China and are impatient for China to achieve their own answers is, perhaps, a bit of an overreach. For example, in the State of the Union

address given by President Bush last night, he made it clear that America is not trying to establish its model of governance and democracy in foreign countries, but simply to permit the progress of freedom in those societies.

Senator St. Germain: At least you are supporting George W. Thank goodness. That is the first positive thing I have heard from your Liberals.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer in response to a question raised on December 7, 2004, by Senator Gustafson, regarding Kyoto targets.

ENVIRONMENT

KYOTO ACCORD COMMITMENTS

(Response to question raised by Hon. Leonard J. Gustafson on December 7, 2004)

The Government of Canada has always understood that reaching Kyoto would be a challenge. Indeed, we have taken on a tough target:

- Canada has to reduce emissions by 6 percent (below 1990 levels) while its population and economy has been consistently growing;
- Canada has many export-oriented energy-intensive industries (e.g. oil and gas, forestry, mining, manufacturing), which use energy to extract and process raw material to produce goods for use in other countries;
- Canada has a cold climate and long distances between population centres.

Still, the Government of Canada has always said that it will do its very best to attain its Kyoto objectives. Over the past few years, it has put in place a wide range of measures to reduce emissions and committed \$3.7 billion to support their implementation. With the Kyoto time frame in mind, we are encouraging:

- energy efficiency at home, in the factories and on the road — energy efficiency offers many opportunities for both emissions reductions and cost savings;
- “emerging” renewable energy sources such as wind power and ethanol — Canada is already a leader in renewable energy with hydropower;
- carbon sequestration from agricultural and forestry practices, and through underground storage.

The Government is also actively supporting the development of new technologies that will provide a longer term solution to emissions reductions. Priority areas include cleaner fossil fuels, hydrogen, energy efficiency, distributed power and biofuels.

Others in Canada are also taking action. Recent announcements in Ontario and Quebec, Canada's two largest provinces, are a testimony of actions by other levels of government. Industry and ordinary Canadians are also committed to action.

New measures, proposed in the Climate Change Plan for Canada in 2002, are now being implemented across the country. However, there is a need for further action to put Canada firmly on the path of continuous emissions reductions. In the October 2004 Speech from the Throne, the Government reiterated its commitment to act on climate change in a way that will produce long-term and enduring results while maintaining a strong and growing economy. Moving forward requires the development of a long term national vision, implemented through a collaborative approach, and fuelled by domestic actions to achieve emissions reductions in both the Kyoto time frame and the longer term.

The Government is committed to building on its efforts to date and it will continue to work with provinces, industry and other stakeholders in moving forward on climate change. Budget 2004 has already announced the Government's intention to further its support to environmental technologies, like clean energy technologies, by investing \$1 billion from the sale of our Petro-Canada shares. Under the guidance of the Council of Energy Ministers, federal, provincial and territorial working groups have been set up to develop strategies on energy efficiency and demand-side management, and on energy technologies. And, a new Cabinet Committee on sustainability and the environment has been created. The Committee is currently taking stock of the progress that has been made, and will be discussing options on how best we can move forward.

ORDERS OF THE DAY

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 2, 2005, moved:

That the Standing Senate Committee on National Security & Defence have power to sit at 3:15pm on Tuesday, February 8, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Senator Rompkey]

An Hon. Senator: Explain, please.

Senator Rompkey: Honourable senators, the committee is hearing testimony on the establishment of the security organization headed by the Honourable Anne McLellan and they want to hear from her. The meeting time has been mutually agreed upon. The minister is available at that time, which is why the change is necessary.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the second reading of Bill S-23, amending the Royal Canadian Mounted Police Act (modernization of employment and labour relations).

He said: Honourable senators, it is a pleasure and an honour for me to speak at second reading of Bill S-23, which seeks to thoroughly modernize the Royal Canadian Mounted Police Act as regards labour relations.

First, I want to point out that the bill is a replica of former Bills S-24 and S-12 which I introduced October 23, 2003 and February 12, 2004 respectively.

As you are aware, honourable senators, both bills unfortunately died on the Order Paper without having been examined by the Standing Senate Committee on National Finance. However, since October 2003, I have received many encouraging messages from members of the RCMP, from associations representing officers of various Canadian police forces, from other citizens as well as from my fellow senators. I will mention only one colleague, Senator Phalen, who spoke during debate on second reading of one of the previous bills.

For example, the Canadian Professional Police Association announced yesterday that it supports Bill S-23 and it invited members of the Senate and of the other place to approve this important legislation during the coming months. In that respect, the President of the CPPA, which represents 54,000-municipal, provincial and federal police officers, Mr. Tony Cannavino, said:

We are at loss to understand why RCMP members have been denied the most fundamental and basic employee rights for so long. Every other police officer in Canada is afforded these rights and protections, this is long overdue for the RCMP.

Having said that, on a less encouraging note, a number of cases of sexual harassment toward female members of the RCMP have also been brought to my attention over the past few years.

These expressions of support and these shocking facts, which I will describe a little further on, have convinced me that, in the name of public protection and transparency, it is essential to bring about this reform during the next few months.

Honourable senators, that is why, the day before yesterday, I reintroduced Bill S-23.

The RCMP was established in 1873. For over 130 years, its traditions, the professionalism of its members and its excellent international reputation have been a great source of national pride for all Canadians, and a vibrant symbol of Canada.

Everywhere in our country, whether they are assigned to police duties under contract to provincial authorities, or enforcing federal laws that apply across the land, members of the RCMP are providing police service of the highest order to the people of Canada, often at great personal sacrifice.

In the past few years, some members of the RCMP have strongly and firmly criticized — with good reason — their labour relations system. For example, they have complained, quite rightly, about the high cost to Canadian taxpayers as well as a lack of transparency, independence, fairness and impartiality.

Through the research and consultation work that I did before tabling the previous version of Bill S-23, I discovered, as I will show later on, that this regrettable situation is the root cause of abuse by the employer, of the deterioration of the members' morale, and of lowered professional and personal self-esteem among the staff. The current method of labour relations is also responsible for the frustration and cynicism RCMP members feel with respect to the present procedure for determining their working conditions, and the outdated and highly controversial mechanisms for settling grievances and dealing with disciplinary matters.

Honourable senators, the members of the RCMP deserve that we should look into these serious problems that might, by the way, work against the primary objective of our national police force, which is to protect Canadians.

• (1430)

Indeed, I strongly believe that the safety of our fellow citizens depends not only on the implementation of better accountability procedures within the RCMP, but also on the quality of labour relations within that organization. The main purpose of Bill S-23 is quite simply to improve labour relations so that the RCMP can carry out its mandate effectively.

Honourable senators, I am proud to say that this bill constitutes the first major reform of employer-employee relations in the RCMP since Bill C-65 was passed in 1986. The purpose of that bill was to implement a series of recommendations set out in 1976 in the report of the important Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures

within the Royal Canadian Mounted Police, better known as the *Marin* report.

I do not intend to repeat word for word my speech of February 2004. I would rather focus on certain elements of the bill in order to explain why it is necessary for the Senate to adopt it.

According to the official figures, setting aside the senior ranks, the provisions of this bill will apply to approximately 15,000 members of the RCMP. Federal public servants who work primarily within administrative units of the RCMP would be excluded from the application of Bill S-23 because their working conditions and their internal grievance or disciplinary procedures are already governed by the Public Service Staff Relations Act.

Because of the historic nature of the reform I am proposing today, the bill includes a preamble, which sets out the principles on which implementation and interpretation of the provisions of this bill are founded. Thus, it first recognizes that the right to certification and the right to collective bargaining are basic principles on which the workplace is organized, in the private and public sectors in Canada.

Next, it points out that the members of the RCMP, unlike members of most civilian police forces in Canada, do not have these rights, and that this situation is a source of injustice and continuing frustration, and may even threaten the safety and security of Canadians.

Third, it states that the establishment of good staff relations within the Royal Canadian Mounted Police will enhance protection of the public, since the peace officers will spend more of their time carrying out their duties to the public, as they will be aware that the representatives of an accredited police association will be defending their interests with respect to working conditions and internal grievance and disciplinary procedures.

Finally, the preamble states that the RCMP, in order to enjoy the trust and respect of the public, must be accountable to Canadians, not only through the Royal Canadian Mounted Police Public Complaints Commission, but also through an internal discipline and grievance procedure that is consistent with the general principles of the law — commonly known as due process — notably fairness, impartiality, independence and expeditiousness. That having been said, Bill S-23 recognizes, for the first time in history, the right of members of the RCMP to speak out democratically and freely on the possibility of unionizing.

During my two previous speeches, I fully explained the reasons that led the federal government, first in 1873 and more specifically in 1918 — when an order was adopted to deny members of the RCMP the right to organize, to bargain collectively — to reject the unionization of police forces. Without wishing to go over this very interesting history, I would simply say that in order to justify this policy, the federal government stressed as its modern counterpart still does today, the need to protect the public by maintaining a stable national police force, the specific tasks of the members of the RCMP, the need to subject them to a paramilitary

type code of discipline and, the existence of possible conflicting loyalties — that is the possibility that some members of the RCMP would show more loyalty to their police association than to those in command should there be a labour dispute.

In 1967, federal government employees won the right to certification and collective bargaining with the enactment of the Public Service Staff Relations Act by Parliament. Pursuant to the Order-in-Council adopted in 1918, the legislation excluded the members of the RCMP from the application of the new labour relations system. In 1974, in order to counter the efforts of certain members of the RCMP to obtain the same rights as other federal public servants, the federal government abrogated that Order-in-Council and that same year established the Division Staff Relations Representative Program. The organizational structure of this program would appear at first to be similar to that of an association accredited under the Public Service Staff Relations Act but, for a number of reasons I mentioned in my two earlier speeches, it has become ineffective over the years.

Honourable senators, as I stated earlier, members of the RCMP are denied the right to certification and collective bargaining currently enjoyed by the majority of peace officers working for other police forces in Canada, and elsewhere in the world. However, the RCMP has evolved a great deal since its formation. From an essentially paramilitary force at its origin, our federal police service has become a national police force that provides basically the same services as other Canadian police forces. The greater part of its activities are devoted to police services that it performs under contracts called "Contract Policing Services" in eight provinces — all except Quebec and Ontario — more than 200 municipalities, 65 Aboriginal communities and three airports.

Currently, more than 60 per cent of RCMP members are assigned to maintaining order in those locations. They provide essentially the same services as municipal and provincial civil police forces that are entitled to accreditation and collective bargaining. In an effort to correct this situation, some members of the RCMP decided to challenge this prohibition against employee associations before the courts.

• (1440)

Thus, in 1985, more than 10 years after the creation of the Division Staff Relations Representatives program, the members of Division "C" of the RCMP — the RCMP detachment in Quebec — at the initiative of staff sergeant Gaétan Delisle formed the Association des membres de la Police montée du Québec.

In 1987, Mr. Delisle began a long legal battle to have the exclusion under the Public Service Staff Relations Act for members of the RCMP struck down.

Mindful of the importance of the profession in which he served, of the need to protect the public and the practices prevailing in other Canadian police forces, Mr. Delisle never called for the right to strike.

I have always been surprised that, despite the considerable difficulties they have faced since the early 1970s, the members of the RCMP have always used peaceful and legitimate means to promote their cause.

In comparison, in the UK, members of both the English and Welsh constabularies obtained the right to accreditation and collective bargaining in 1919, over 84 years ago, after an illegal strike and other pressure tactics involving civil disobedience.

In September 1999, in a majority decision, the justices of the Supreme Court of Canada in *Delisle v. Canada (Deputy Attorney General)* categorically dismissed the argument that the right of association guaranteed in the Charter expressly guarantees RCMP members the right to form an accredited association under the Public Service Staff Relations Act and thus to have access to collective bargaining.

Given that Quebec members of the RCMP had been able to freely form an independent employee association, the majority of the court found that their right of association had not been interfered with, and that it was the exclusive prerogative of the Parliament of Canada to recognize the right claimed by Mr. Delisle, through legislative amendments.

Rather amazingly, in December 2001, two years later, a majority of justices of the Supreme Court of Canada, in *Dunmore v. Ontario (Attorney General)*, contradicted their own majority opinion in *Delisle*. This decision surprised a number of labour relations experts.

In that case they found that recognizing freedom of association for the Ontario farm workers called expressly for the creation of a union!

Honourable senators, the majority opinion of the Supreme Court in *Delisle* that modifying the labour relations regime for members of the RCMP was the prerogative of Parliament led to the introduction of Bill S-23.

Nonetheless, other factors, in addition to those that I mentioned at the beginning of my speech, also prompted me to move ahead on this issue.

While the legal proceedings in *Delisle* were underway, two other associations of members of the RCMP were created in Canada — the Mounted Police Association of Ontario in 1990 and the British Columbia Mounted Police Professional Association in 1992 — illustrating the flaws in the Staff Relations Representative Program and the desire to change the staff relations regime within the RCMP.

Furthermore, on September 22, 1989, former RCMP Commissioner Norman Inkster made a surprising statement in connection with the *Delisle* case before the Quebec Superior Court.

According to him, the federal Parliament was ultimately responsible for the staff relations framework applying to the RCMP. If the law were amended as Mr. Delisle wanted it to be, this would not affect the administration of the RCMP inordinately.

This position was reiterated in the fall of 2003 by the caucus of RCMP Staff Relations Representatives, as reported by *Pony Express* magazine in its November 2003 edition.

This is the national, official, internal magazine of the force. It reported that during a meeting held in Ottawa, the caucus of RCMP Staff Relations Representatives said it did not object to RCMP members voting on the question of unionization if the bill were to pass.

In 1995, the important task force report on revision of the Canada Labour Code, Part I — better known as the Sims report — entitled “Seeking a Balance” recommended unionization for the RCMP, under some other legislation than the Canada Labour Code.

The task force felt that adoption of such a policy would not have any negative impact on operational control of the RCMP or protection of the public interest.

Taking all these factors into consideration, Bill S-23 provides for the right to accreditation and collective bargaining by creating, within the RCMP Act, a system that is distinct from the one set out in the Public Service Staff Relations Act.

In order to foster the implementation of harmonious staff relations within the RCMP and to ensure the credibility, transparency, independence and smooth operation of this initiative, it will be administered by the Public Service Staff Relations Board, referred to hereinafter, in my speech, as the Board.

The bill sets out a complete and transparent procedure to enable, as I mentioned earlier, RCMP members speak democratically and freely on the creation of a police association.

In this regard, the bill does not require that such an association be created within this police force. By passing this legislation, Parliament will only be approving the framework required for this right to be exercised as was the case in 1967, when Parliament passed the Public Service Staff Relations Board Act.

If, and only if, the majority of RCMP members vote in favour, the association would act as the bargaining agent certified by the Board to negotiate improvements to the working conditions of the members of the RCMP.

The association will also be responsible for defending employees during the resolution of grievances or the imposition of disciplinary measures.

Given the particular way the work is organized within the RCMP, the duties performed by its employees, as well as practices observed in other jurisdictions in Canada, the United Kingdom and Australia, this association will consist solely of members of the RCMP and will also not be allowed to affiliate with the larger unions representing the majority of federal public servants.

This bill also contains measures to protect members from intimidation or any other unfair practice by the employer aimed at preventing the members of the RCMP from associating. That is nothing new, since every labour relations code in the world contains this type of protection.

Once the certification process has been duly completed, Bill S-23 sets out a procedure similar to the one that currently exists within the federal public service for the negotiation in good faith of the first RCMP collective agreement and its renewal.

The bill also includes recourse to conciliation or binding arbitration should negotiations reach an impasse. The Board will oversee the application of these two distinct types of dispute resolution.

The Board could appoint a conciliator to bring both parties closer together or, under certain criteria, an independent arbitrator to resolve legal disputes. Decisions taken under the arbitration process will be binding and not open to appeal.

Honourable senators, the collective bargaining procedure proposed in Bill S-23 seeks not only to promote the positive resolution of labour disputes within the RCMP, but to ensure better public protection.

With the implementation of a binding arbitration process, in keeping with the practice in most other civilian police forces in Canada, the United Kingdom, Australia and New Zealand, the members of the RCMP would be denied the right to strike in the event of an impasse in negotiations with the employer. I am repeating this because, unfortunately, some of my honourable colleagues have come to me, following my last two speeches, asking whether they would be granted the right to strike, and the answer is no. I repeat, Bill S-23 does not grant RCMP members the right to strike. This ban also applies to any work slowdown or other concerted activity on the part of employees aimed at restricting their performance.

• (1450)

The bill is very clear on this and imposes criminal measures for illegal walkouts. Any employee who participates in or incites to such a walkout is liable on summary conviction to a maximum sentence of imprisonment of six months or a fine of \$1,000. For union officers, the maximum fine is set at \$2,000. Every trade union that declares or authorizes an illegal strike is liable to a fine not exceeding \$10,000 each day that the strike continues. Should members of the RCMP commit acts of vandalism or mischief or disturb the peace during collective bargaining, they will be subject to criminal charges or discipline under the Royal Canadian Mounted Police Act.

Honourable senators, I cited earlier a series of arguments that have been used to support the federal government's continuing refusal to propose a reform similar to the one proposed in the Bill S-23. Still, I consider that this refusal and the government's arguments behind it were not justified in 2003, when I introduced my original bill, and remain so today. They put the security of the Canadian public at risk.

In my view, the professionalism and restraint shown by certain members of the RCMP in this contentious issue, the aforementioned comments by former Commissioner Inkster and the recent comments by the caucus of Staff Relations

Representatives, the recommendations of the Sims Commission, the evolution of the RCMP and the no-strike clause in this bill show beyond a doubt that the creation of an accredited police association would not have a harmful effect on public protection, the administration of the RCMP or discipline.

What is more, the federal government is trailing not only in the provinces and municipalities, but also other Commonwealth countries. In addition to England and Wales, which I have already referred to, Australia recognized its police forces' right to accreditation and collective bargaining in 1942. New Zealand did so in 1935.

Regarding the presumed conflict in loyalties and the chaos that would result from the creation of a police association within the RCMP, this argument is unfounded, since the practice in other jurisdictions proved that this never really materialized.

Truth to tell, as a responsible parliamentarian who is concerned with public safety, I am more concerned by the fact that police officers must currently fight for their basic rights to be recognized during a disciplinary hearing or a grievance, too often to the detriment of public protection.

That said, let us move on to the second part of the bill, which deals with grievance and discipline procedures under the RCMP Act.

Honourable senators, the debate on the unionization of RCMP officers has often been linked to ineffectiveness, a lack of impartiality, speed, transparency and independence with regard to the highly complex processes of grievances and discipline.

According to a series of reports released by the RCMP External Review Committee in recent years, the time taken to settle grievances or to impose disciplinary sanctions all too often exceeds the statutory time limit and can take several years.

The committee also reports that, besides the significant costs to the RCMP, and therefore to Canadian taxpayers, this situation is a source of considerable tension for members, their family and colleagues, particularly in the case of disciplinary action resulting in suspension without pay or even dismissal.

I want to stress that this may also affect the confidence of Canadians in an effective and professional national police force.

Currently, an RCMP member may file a grievance concerning the working conditions enforced by his employer. The legislation states that the RCMP Commissioner is the final level of appeal for decisions made by a lower level with respect to a grievance.

Before making a decision, the Commissioner must refer certain categories of grievances to the RCMP's External Review Committee. Even though the members are appointed by the Governor-in-Council, they can only review the cases referred by the Commissioner.

Moreover, the review committee only has the authority to recommend to the Commissioner, and thus has no means of making its advice binding.

In order to correct this situation, the bill eliminates the review committee and replaces it with an independent, external adjudication process, similar to the one that exists for the federal public service. In this system, a grievance that has gone through the entire internal grievance process may be referred to a board of adjudication, where the employer and the police association are represented, and costs are shared on an equal basis by both parties.

The operation of this new process will be overseen by the Public Service Staff Relations Board, and the decisions made as part of this process will be binding.

With respect to serious disciplinary action for offences under the Code of Conduct, the Royal Canadian Mounted Police Act provides that, following the presentation of a complaint by the employer, a board of adjudication composed of three RCMP officers shall be established.

This board shall determine the appropriate penalty to prevent any repeat offence. The member may appeal the board's decision to the Commissioner.

As in the case of a grievance, the review committee may make recommendations to the Commissioner before the latter makes a decision.

In a case of discharge or demotion, the decision is made by a discharge and demotion board, also consisting of three RCMP officers.

As in the case of serious disciplinary action, the member may appeal to the Commissioner.

Honourable senators, these quasi-judicial decisions that often bring into play the fundamental rights of RCMP members can have highly negative effects on the quality of life and work of RCMP members who must face this complex process, noted for its lack of independence, alone and with few resources.

Honourable senators, I would like to cite three cases to illustrate that this situation cannot go on.

In *Laberge v. The Appropriate Officer of the Royal Canadian Mounted Police*, in 2000, and *Lefebvre v. The Appropriate Officer of the Royal Canadian Mounted Police*, again in 2000, two internal boards of adjudication rejected outright the procedures prescribed for two members of the RCMP. They had been suspended and then dismissed following disciplinary procedures that lasted nearly five years.

Five years later, the two boards of adjudication ruled that the charges did not stand and that the employees had to be reinstated. Can you see the effect on morale among the members? Individually, alone, the two members had to go through a process entirely dependent on the Commissioner and be told at the end of the day that things were done wrong and they had to start over.

Honourable senators, that is unacceptable! We have to put an end to such practices.

I want to cite two other cases involving harassment or sexual misconduct within the RCMP. Once again, unfortunately, the victims are women.

On August 29, 2003, a feature article in the *Journal de Montréal* stated that the disciplinary action provided for in the Royal Canadian Mounted Police Act might not be enough to resolve sexual harassment problems within the RCMP.

• (1500)

The situation is such that in a letter obtained by the newspaper, RCMP Commissioner Giuliano Zaccardelli said:

Cases of harassment, including sexual misconduct, have been brought to my attention, but reports I have received on how some of these situations were handled are even more disturbing.

I quote the RCMP Commissioner, who is the ultimate authority in this whole system. That said, the first case I would like to present to you is that of Ms. Terry Lebrasseur. In June 2003, this RCMP officer, who was part of the team protecting the Prime Minister and his wife, filed a complaint against the RCMP with the Federal Court for failure to comply with disciplinary procedures prescribed by law. Ms. Lebrasseur joined the RCMP in 1993. She says her performance reviews from 1998 to 2001 were always excellent.

In May 2001, an inspector advised her to leave the Prime Minister's protective team or she would receive a reprimand. And what was the reason? She had simply annoyed a colleague while doing her job.

Ms. Lebrasseur refused, and was later removed from the team. Despite her request for a review of the disciplinary measure ordered by the inspector, the RCMP refused to take the matter to a board of arbitration as provided in the act.

In her suit, Ms. Lebrasseur alleged that her demotion was due to the fact that, between 1998 and 2000, she had tried to inform her employer about the sexual harassment she had been subjected to by an RCMP superintendent. She stated that the police force authorities knew about the situation but did nothing to correct it. Ms. Lebrasseur, therefore, is suing her employer for damages because of the economic, psychological and medical problems she claims were caused by the disciplinary measures to which she was subjected.

The *Lebrasseur* case is not unique. In September 2003, four RCMP officers in Calgary took legal action against their employer before the Alberta Court of Queen's Bench. I recently learned that there was an out-of-court settlement in that case.

That said, even if the details of the agreement cannot be disclosed, I will nevertheless offer honourable senators a summary of the facts in order to demonstrate the ineffectiveness of the present labour relations system within the RCMP.

In what is called the *Doe* case, four female officers were sexually harassed by the same sergeant, and after many delays, disciplinary measures were taken against him. The plaintiffs alleged that a number of RCMP officers wanted to cover up the matter by using disciplinary retaliations against them in order to preserve the image of the national police force. Other officers apparently tried to interfere in the disciplinary procedures by failing to comply with legislation on the handling of disciplinary inquiries or cases taken to a board of arbitration.

Finally, the staff relations representatives — and this is the most shameful — apparently refused to get involved. These are a sort of union representative, and the position has existed since 1974 because the RCMP did not have the same rights as other federal public servants. They refused to support certain female complainants during the various stages of the disciplinary procedures, thereby forcing them to pay for lawyers' services. As in *Lebrasseur*, they are suing the RCMP for damages.

Honourable senators, these cases, particularly those relating to harassment or sexual misconduct, prove the ineffectiveness of the act because members have to resort to the courts to have their fundamental rights respected.

Bill S-23 will put an end to that. Without in any way interfering with disciplinary measures or discharge procedures, and while protecting public safety, Bill S-23 does away with the adjudication committee and the discharge and demotion board, as well as the process of appealing to the Commissioner of the RCMP. From now on, the sanctions will be determined by the employer and will follow an internal review process. However, for reasons of efficiency, impartiality and independence, this decision could be subject to the new external and independent grievance arbitration process.

Finally, in the interests of transparency for the members of the RCMP and the general public, Bill S-23 provides that the Public Service Staff Relations Board would be required to present an annual report to Parliament on the administration of the various provisions of this bill, as it currently does with respect to administration of the Public Service Staff Relations Act.

In conclusion, honourable senators, some, including Commissioner Zaccardelli, whom I met in November, might say that the modest reforms recently undertaken by the RCMP to improve the Staff Relations Representative Program — and you saw how well this system works in Alberta — the process for settling grievances and dealing with disciplinary action, would be sufficient to improve labour relations and the quality of life of members.

However, many of those I consulted over the past few months and who testified during consideration of Bill S-23 at the Standing Senate Committee on National Finance stated that these changes would do little to restore the confidence of the majority of RCMP members in the current staff relations regime.

In other words, honourable senators, these amendments and others perhaps currently being considered by the federal government, as laudable as they may be, will not resolve the fundamental problems undermining RCMP morale.

In conclusion, honourable senators, Parliament must act quickly in this case. Our work has always been non-partisan and expeditious when it comes to improving the statutory instruments the RCMP needs in order to effectively fight crime in our communities, organized crime and terrorism. In that sense, I strongly believe that the same spirit must guide our work during all stages of consideration of Bill S-23.

This legislative initiative will foster harmonious staff relations built on trust, dialogue and mutual respect. As they say, a happy employee is a productive employee.

This is just as important as increasing the RCMP budget or amending the Criminal Code to enable this police force to effectively fulfill its mandate.

Ultimately, Bill S-23 will benefit not only the RCMP but also, and above all, Canadians, who deserve a first-class federal police force.

On motion of Senator Rompkey, debate adjourned.

• (1510)

SPAM CONTROL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-15, An Act to prevent unsolicited messages on the Internet.—(*Honourable Senator Oliver*)

Hon. Donald H. Oliver: Honourable senators, it is my pleasure to speak today, to continue my remarks at second reading of Bill S-15, An Act to prevent unsolicited messages on the Internet.

Honourable senators, in order to resolve the serious problem of junk email, Canada requires government policy of substance. It is clear to everyone, I am sure, that we must have a versatile weapon in order to win the war against spam in Canada. The measures we take in education, training, the use of technology and law enforcement must work together.

In other words, spam can and will be substantially reduced, with the co-operation of industry, technology and the public sector. Until now, the Government of Canada has remained silent, but, through the collaboration of all stakeholders, that is, the public sector and the technology industry, combined with a number of self-regulation mechanisms, and the active support and co-operation of ISPs, international organizations, consumer education groups and law enforcement groups, I am sure a viable solution may be found.

Honourable senators, this is the third time I have drawn your attention to the scourge of spam. Therefore, I will not repeat the basic definitions of unsolicited bulk email nor comment on the various types and many forms of spam. Instead, I will use my speaking time to discuss legislative trends currently seen in various parts of the world, including examples of success, and indicate the path I think Canada should follow.

[English]

Bill Gates perhaps summed it up best when he said:

Spam is much more than an annoyance. It costs businesses millions of dollars a year, and can encroach on families and children, exposing them to pornographic or fraudulent content.

Spam is threatening the very heart of email as a reliable medium of communication. It is also a serious threat to the great promise of the Internet for individuals, businesses, governments and society at large. It is time for government to step up to the plate and take action.

Canada is lagging behind our competitors in this area. They include the United States, the European Union, Australia and others. Most of these countries have already passed anti-spam-specific legislation. For instance, Australia passed a new law which came into force in April of 2004 and it has already had a significant effect. We were told at a December task force conference that it is literally driving spammers out of that country and moving Australia off the top-10 list of spam-originating countries.

In the United States, 36 states have some form of anti-spam legislation. In addition, there is the federal anti-spam statute called the CAN-SPAM Act, which passed both Houses of Congress in November of 2003, and President Bush signed the bill into law in December of 2003.

In the same way that we in Canada have a division of powers, being federal and provincial, in the United States they have federal laws and U.S. state laws. U.S. state laws encompass a wide range of requirements and rights including labelling requirements, prohibitions on spoofing, requirements for opt-out mechanisms, civil rights of action, ISP blocking of email messages and the criminalization of spam. The "Summary" portion of my bill provides that:

Any person may give a notice, to the Minister or the body to which the Minister delegates the responsibility, that they wish to be on a "no-spam list", and persons sending spam must first check to see if the address is on the "no-spam list". The list will not be a public document and the Minister will only provide information as to whether an address is or is not on the list.

The enactment makes it an offence to send spam to a person whose address is on the "no-spam list". However, the recipient must file a complaint with the Minister before any proceedings may be instituted.

U.S. federal legislation allows email recipients to request not to receive further commercial emails from the sender. In addition, the legislation prohibits what is called harvesting email addresses, that is, obtaining email addresses from Internet chat rooms. It prohibits the use of materially deceptive headers. It requires that unsolicited commercial email be clearly and conspicuously labelled as such and requires that a valid physical postal address be included in the email. The legislation allocates fines of US\$250 for each fraudulent or deceptive email to a maximum of \$6 million. In addition, those who use incorrect return email addresses or misleading subject lines can face terms of imprisonment for up to 5 years. Finally, the legislation allows civil actions by states or ISPs, with statutory damages of up to US\$1 million.

As I mentioned in my last second-reading speech in this chamber on Bill C-23 on September 23, 2003, the European Union has issued directive number 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector. This new directive, which had an implementation date of October 31, 2003, provides safeguards against intrusion by unsolicited email communications for direct marketing purposes. Customers must be clearly informed of the use of their personal information for further advertising and provided the opportunity to refuse such use. False sender identity information is prohibited, and that is what we need in Canada.

A new word has come out and has really taken off. It is called "phishing," the act of sending an email to someone falsely claiming to be an established, legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft. The email directs the user to visit a website where they are asked to update personal information such as a password and a credit card, social security number, bank account number that the legitimate organization already has. The website, however, is bogus and is set up only to steal the user's information.

This idea of phishing has become widespread. As an example, 2003 saw the proliferation of a phishing scam in which users received emails, supposedly from eBay, claiming that the user's account was about to be suspended unless he clicked on the provided link and updated the credit card information that the genuine eBay already had. Because it is relatively easy to make a website look like a legitimate organization's site by mimicking the HTML code, the scam counted on people being tricked into thinking they were actually being contacted by eBay and were subsequently going to the eBay site to update their account information. By spamming large groups of people, the phisher counted on the email being read by a percentage of people who actually had listed credit card numbers with eBay legitimately. That is another form of abuse of spam on the Internet.

• (1520)

As I said earlier, Australia recently enacted legislation that places a number of severe restrictions on the distribution of commercial electronic messages. Such messages may only be sent to those who have explicitly agreed to receive it; they must include any easy unsubscribe option; and they must be sent from a legitimate email address. In addition, the legislation prohibits software that is designed to generate email address lists for the purposes of sending spam. The legislation also calls for the creation of a spam-monitoring and enforcement agency.

Finally, the Korean Ministry of Information and Communication estimates that Koreans receive nearly 1-billion spam messages daily. The Korean government has passed laws that require senders to provide contact information, to allow recipients to opt-out of receipt of marketing messages, and to provide recipients with information on the source of their email address. The Korean government has also established wireless spam guidelines that require all advertisers using text messages to clearly mark the message as an advertisement and attach their contact numbers so as to identify the sender. Failure to do so could result in a fine of 5 million won, or \$5,660 in Canadian dollars.

Do we need legislation in Canada?

Since I introduced my first anti-spam bill in the Senate nearly two years ago, I am more convinced than ever that Canada needs legislation. I met several times with Madam Robillard, the former Minister of Industry, and she was instrumental in establishing a task force on spam consisting of industry leaders and chaired by Mr. Michael Binder. That task force has made great strides in trying to persuade the industry in Canada, generally, that some form of legislation is urgently required in Canada.

However, I should inform honourable senators that one of the reasons the task force has not already come up with a draft form of legislation is that a number of stakeholders feel that we do not need any legislation, that what is needed is education and for industry to do a better job at public awareness so that Canadians stop looking at and buying from spammers. However, spammers can make money even with a response rate of only 0.0001 per cent, because sending spam is almost costless. Hence, even if virtually everyone is deleting spam, it will probably always find a market somewhere.

What type of message are we actually sending to Canadians or members of the public, generally, if we urge them to take action against spam but do not outlaw this practice? Legislation clearly prohibiting spam is necessary in order to send a clear message to spammers that using email this way is an abuse that will not be acceptable in this country.

However, in addition to legislation, we need it accompanied by strong enforcement measures. The agency or organizations that are responsible for enforcement must have the necessary government resources to be able to enforce the legislation.

I will now speak about a private right of action. In the same way that legislation is only one part of the fight against spam, public enforcement of anti-spam laws is just one part of an effective legislative regime. Recognizing the resource limitations of enforcement agencies, the law should explicitly permit private rights of action against spammers. If private parties are permitted, indeed encouraged, to go after spammers themselves, then such private actions can add to the deterrent effect of government enforcement action. This is the case of the public and private sectors working together and trying to combat the scourge of spam.

All one has to do is look at the recent spate of lawsuits against spammers in the U.S. that are being brought by the large ISPs under the CAN-SPAM Act's private right of action provisions. If private parties have the incentive and the ability to take such measures, they can fill in gaps left by resource-strapped law enforcement agencies.

I used to be a trial lawyer and frequently brought suits to recover general damages as a remedy. General damages are determined by judges or juries. That brings a lot of uncertainty into the arena. For spam, I strongly believe we need to have a fixed statutory damage enshrined in the statute. In Washington State, for instance, it is \$500 per spam, or \$100 per spam under the CAN-SPAM Act.

I am deeply indebted to Phillipa Lawson, the Executive Director of the Canadian Internet Policy and Public Interest Clinic at the Faculty of Law at the University of Ottawa, for a fascinating paper she prepared, entitled "A Statutory Private Right of Action against Spammers in Canada." Ms. Lawson's study has identified only two lawsuits under Canadian law against spammers: one in TM infringement and trespass, and the other a breach of contract against an ISP and a customer. It appears that our existing Canadian rights of action are insufficiently tailored to spam, too costly to use, or unrewarding in terms of potential compensation and that it is not worthwhile for those suffering from spam to use any existing remedies without having new legislation. We, therefore, clearly need a specific anti-spam law in Canada.

Since I started my anti-spam work in the Senate, I have received dozens of emails from Canadians from all walks of life encouraging my effort. One of the main reasons is that email users are fed up with spam but do not know where to complain, or how to complain. There is no one agency in Canada that has responsibility for this area. For instance, the CRTC, the Competition Bureau and the Privacy Commissioner have all received complaints about spam; however, other than one recent highly publicized case, there is no binding finding from the Privacy Commissioner, the CRTC, the Competition Bureau, or anyone else that we can rely on. Both the Competition Bureau and the CRTC say that they do not have the powers or the resources to regulate this activity.

In conclusion, therefore, the public clearly needs a place to send complaints to get action in respect to spam and the public also needs to be empowered by a law to go after spammers themselves. That is why there is a need for a private right of action.

What should be in our legislation?

Our legislation in Canada should permit the Competition Bureau and other investigative agencies such as the Privacy Commissioner to share information on spam investigations with their counterparts in other countries. We need this as a way of fostering much needed international cooperation. We also need to prevent a duplication of sometimes contradictory efforts from

across Canada by designing a single agency as being responsible for spam complaints and enforcement and to give this agency the necessary resources to do the job properly. We must be sure to include penalties that are sufficiently high to deter spammers.

We were told at the December 2004 task force conference here in Ottawa that, in Australia, the Australia Communications Authority, the ACA, may initiate civil actions against spammers and go after fines of up to \$1 million per day.

Our legislation should allow agencies to order restitution to those who suffer damages as a result of spam upon the application for such restitution. Next, our legislation must allow governments and private parties to go after businesses that use spam, as well as spammers themselves by way of a right of private action.

In the December 12, 2004, *The Hill Times*, an op-ed piece — which was written by Mike Eisen, the Microsoft Canada Vice-president of Law and Corporate Affairs — entitled "Parliament needs to pass anti-spam legislation" argued that the absence of comprehensive anti-spam legislation in Canada remains a key impediment to eradicating spam in this country.

In a broader paper, entitled "Integration Innovation," Microsoft concluded the following — and I quote:

The components of this anti-spam strategy are like pieces of a puzzle. The pieces, however, can only be brought together with the help of effective legislation. Without strong criminal and civil remedies for activities like the harvesting of email lists or distributing fraudulent emails, enforcement opportunities are very limited. Currently, the anti-fraud provisions in the Criminal Code provide a weapon against certain types of spam. The Personal Information Protection and Electronic Documents Act provides individuals with new rights in the event that their personal information is used for spam purposes without their consent. While these statutes undoubtedly form part of the solution, Canada's anti-spam legal framework is incomplete. Further, were Canada to adopt legislation with efficient enforcement procedures, it could be included as part of coordinated global legal actions of the kind launched by Microsoft in the U.S. and U.K.

• (1530)

The article ended by stating:

Microsoft wishes to work with the governments of Canada to put in place effective legislation that will thwart the efforts of those who abuse email and preserve the viability of the medium. At the same time, Microsoft will continue to invest in researching filtering technologies, coordinate industry anti-spam efforts and educate users about spam.

Honourable senators, there is growing support from both within and outside of government in both private and public sector to have some form of legislation combatting spam in Canada.

There is no pride in authorship, and I am anxious to see Bill S-15 move quickly to committee so witnesses such as Mr. Mike Eisen of Microsoft; officials from the Canadian Internet Policy and Public Interest Clinic from the University of Ottawa; officials from the Department of Industry; and others can appear before the committee to give viva voce evidence about the importance of having a Private Right of Action. Hopefully, Bill S-15 would be amended, improved and enhanced so that when it comes back to this chamber for third reading it will be legislation that will clearly benefit all Canadians and be acceptable to all stakeholders.

Thank you for providing me this opportunity to speak again about the problem of spam in Canada.

Hon. Senators: Hear, hear!

Hon. Madeleine Plamondon: Have there been any class actions against spammers in North America?

Senator Oliver: Yes, in the United States there have been class actions against spammers but now that they have the CAN-SPAM Act, a number of spammers are joining together and bringing an action under that act. In addition, some states have had class action suits brought, but the CAN-SPAM Act is a federal statute.

Hon. Bill Rompkey (Deputy Leader of the Government), I should like to adjourn the debate, but I could not help overhearing Senator Oliver talk about canned spam. I always thought spam came in cans. All of the spam I ever ate came from a can.

On motion of Senator Rompkey, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

FIRST INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (first interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*, tabled in the Senate on November 23, 2004.—(Honourable Senator Keon)

Hon. Wilbert J. Keon: Honourable senators, I rise today to speak to the mental health reports from the Standing Senate Committee on Social Affairs, Science and Technology. Yesterday, Senator Kirby outlined the magnitude of the problem imposed by mental health and addiction in Canada which affects some 4.5 million Canadians, with direct health costs of \$6.3 billion and \$14.4 billion in economic impact. To compound the problem, only one third of the patients with mental illness and addiction are receiving any kind of professional help.

To date, the committee has provided three reports, namely, *Mental Health, Mental Illness and Addiction: Overview of Policies*

and Programs in Canada; *Mental Health Policies and Programs in Selected Countries*; and *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*, which will provide the structural framework for the next steps.

Our review of policies and programs in Canada has uncovered some most disturbing facts. We found that we are the only G8 country without a mental health strategy. There is no coordinated mental health program of prevention, treatment or rehabilitation, no direct links between research and service provided, with no feedback loops and inappropriate assessment strategies.

The task confronting the committee when it comes to strategies and recommendations for the future, is truly a daunting one. Between now and the end of June, the committee will hear from patients, experts and citizens across the country, and we hope to have our final report completed by the end of the year.

The second report summarizes mental health policies in Australia, New Zealand, England and the United States. I must inform you that Canada is way behind these four countries. Yes, even the health system in the United States, that we Canadians criticize so freely, has much to teach us. Indeed, we are the only G8 country without a mental health strategy. We summarize this international study by noting five major trends.

The first is a focus on recovery as the driver for mental health thinking. Recovery means recovery of the patient to a point where he or she can function in society again.

The second is individualized plans for treatment and care including encouragement of family and consumer participation in the plan.

The third is delivery of integrated services in the community, while insisting on the importance of ongoing monitoring to limit delivery by isolated silos.

The fourth is the importance of deploying national resources for mental health promotion, in particular campaigning against stigma and discrimination.

The fifth is the need to eliminate disparities in the extent of services available to people, whatever the reasons. Examples of that would be language, culture, availability of service in geographical areas, et cetera.

The unifying factor behind these elements is organization of services to best meet the needs of the patient or client. There are five essential components of this organization.

The first is identification of action targets that engage the entire mental health community. The second is the establishment of measurable criteria for progress. The third is comprehensive human resource planning. The fourth is adequate research funding. The fifth is effective translation or application of the knowledge that results from the research.

I should like to say a few words on the contents of the third volume which summarizes what we see as the issues and options for Canada.

The major issue of course — the delivery of mental health care — stands out above all others. We start with the view that the status quo is not an option and there must be major change. The present system seems to be designed more for the convenience of the providers than for the patients. Should it indeed be called a system at all? It is fragmented and uncoordinated. It is a collection of silos that do not interconnect.

In Canada, we are searching for a mental health and addiction treatment system that will be patient centred; focussed on recovery; tailored with services to meet the needs of individual patients or clients in a culturally sensitive manner; provide early diagnosis and treatment to individuals soon after the onset of mental illness or addiction; and provide new knowledge, and measure outcomes and necessary adjustments on progress. Such a system must be seamless with high quality services and supports that are well coordinated and well integrated.

We identified the very great variability of how mental illness presents, as well as its effects on various stages of life. We talked about children and adolescents, Aboriginal peoples, seniors and individuals with complex needs for special attention. Mental health services and supports for children and adolescents have been called the “orphans’ orphan.” Children and adolescents are orphans within the mental health system, which itself is an orphan in the overall health care system. Therefore, it is essential that we design systems to deal with this. The good news is that Alberta, British Columbia, and Prince Edward Island have already addressed this issue and have implemented programs, and I hope that the other provinces and territories can follow suit.

• (1540)

Aboriginal peoples, with their very high rates of mental illness and suicide, bring cultural issues into sharp focus. The disease may be the same, but how it is expressed and how it might best be treated depends heavily on cultural values and perceptions.

Seniors with mental illness are truly vulnerable. This should be a matter of concern to all of us here in the Senate since we are rapidly coming into that category.

Stigma and discrimination are central to the present Canadian way of management of mental health. The relative lack of attention given to the mentally ill in our system is truly discrimination. It has been said that when an organ such as a heart, kidney or liver malfunctions the community reacts with sympathy, and indeed I have seen this over and over. However, when the brain malfunctions people react with suspicion, wariness and fear. The committee needs advice on how to develop a national anti-stigma and discrimination strategy and hopefully this will unfold.

In both this study and also in our previous study on the federal role in the health of Canadians, we draw attention to the need for national information databases and, of course, we cannot make progress until this is established. We also need a national information system. One has to ask if such a system would raise special concerns for the mentally ill, and of course it would. Talk

of a national information database on electronic health records immediately raises the spectre of invasion of privacy. Particularly for mental health this is a two-edged sword. Concerns are raised that databases will allow release of personal health information and thus adversely affect Canadians. We believe that fear of possible invasion of privacy is preventing effective management of our health care systems, and it is also preventing us from learning much more about how to improve them. Therefore, we have to choose our options carefully, but we have to also find a way to make progress.

Funding for research is a continuing question for Canadians. Is there enough money committed for mental health? At this point I do not think so. The establishment of the Institute of Neurosciences, Mental Health and Addiction has been a giant step forward, but even though this institute receives the second-highest level of funding of the 13 institutes, we are not adequately funding mental health research at this point.

What might be the role of the federal government in all these issues? As in all health matters, we identify a direct and an indirect role. The direct role arises from the federal government as a major employer, responsible for the mental health of their employees, and also as the health care provider for specific population groups for which it is responsible. This includes First Nations people on reserves, Inuit populations, inmates of federal penitentiaries, members of our Armed Forces and veterans, the RCMP, and certain landed immigrants and refugee claimants. We did not find any significant evidence of targeted strategies to improve conditions for any of these categories for which the federal government is responsible. By fully addressing its responsibility here, the federal government could emerge as a great leader internationally.

The indirect role of the federal government arises from its responsibility to oversee the health of Canadians in general. The Canada Health Act, unfortunately, expressly excludes services provided by psychiatric institutions, and that has to be corrected. How can the federal government address this ambivalent approach to the place of mental health in its broad national policies for health? This has to be solved. We cannot leave mental health services as an orphan any longer.

In short, we lack a national action plan for mental health care, which is clearly discrimination against the very large number of Canadians who are deeply affected by mental illness.

I would now like to try to place mental health care into the broader context of Canada's overall health care system, for which I see mental health care as a special case. We must develop an adequate primary care system that is integrated with community service. Indeed, primary care is a huge universal problem in Canada now. Just move to another city and try and find yourself a family doctor. Some of you coming into this city have asked me for assistance in finding family doctors. People call me virtually every day asking me if I can get them into the health care system here in Ottawa, Canada's capital, and they cannot get a family doctor, which is terrible. We need a major reorganization of primary care, and it must accommodate mental health.

Honourable senators, I believe we now need to reconsider the boundaries between what different groups of health professionals are allowed to do. Though this will certainly require considerable public education, primary care physicians are now heavily burdened doing things that could be done just as well or perhaps better by health care professionals with fewer overall qualifications. The same applies to nurses and other health professionals. However, the present rigid definitions about who, for example, can write prescriptions for a number of drugs may need to be reconsidered. For mental health this will certainly mean much greater integration of the many aspects that are essential to the proper social integration of the patient.

What do I foresee evolving over the next few years or decades. I see a patient-centred approach, which would be central. We are talking about a patient-centred approach with competitive market forces for efficient delivery of high-quality services funded by the single public payer who will ensure universal access. This is tremendously important. I know there is much disagreement over this recommendation, but I believe, like Great Britain, we must separate the payer and the provider. The single payer with universal coverage is sacred, but let the provider be whoever does it best and let them compete.

We must move to a much greater level of evaluation of outcomes of the health systems, comparisons of outcomes between different regions, clinics, hospitals or even individual practices and physicians, which is badly needed. How can we judge the system if we do not have comparisons?

I look forward to a time, hopefully in the not-too-distant future, when the patient and his or her family can find proper health care, including mental health care, wherever in Canada he or she might be. Access will be gained to a primary care network consisting of multidisciplinary clinics that will be linked to community services and integrated with them. The patient and family should be guided through coordinated and integrated systems of care, including health promotion strategies, and not have to find their own way. The whole coordinated and integrated system, or probably a set of systems, should be subject to continuing evaluations to achieve the optimal outcomes within the available funds.

Hopefully, honourable senators, we can collectively develop a national mental health strategy — which I hope our last document will be — that will put us in step with the other G8 countries and give the patients the services they deserve.

On motion of Senator Callbeck, debate adjourned.

FLAWS IN DELIVERY OF GUARANTEED INCOME SUPPLEMENT PROGRAM

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the basic flaws in the delivery of the Guaranteed Income Supplement program for low-income seniors.—(*Honourable Senator Ferretti Barth*)

Hon. Catherine S. Callbeck: Honourable senators, this inquiry stands in the name of Senator Ferretti Barth, but it is at her request that I am speaking to it today.

I am pleased to rise to participate in an inquiry raised by my colleague from Prince Edward Island, the Honourable Senator Percy Downe, calling the attention of the Senate to the basic flaws in the delivery of the Guaranteed Income Supplement program for low-income seniors.

As colleagues are aware, Social Development Canada administers two income-support programs that provide benefits to seniors — the Canada Pension Plan and Old Age Security. The Old Age Security program is the most widely accessible source of income for older Canadians. The federal government spends more than \$26 billion each year to provide income support to 3.9 million seniors.

As part of the Old Age Security program, the Guaranteed Income Supplement provides additional money to low-income seniors living in Canada who have little or no other income. Across Canada, the Guaranteed Income Supplement assists about 1.4 million Canadians, at a cost of \$5.8 billion. As the Guaranteed Income Supplement, or GIS, is based on a senior's annual income, a senior must apply for it every year.

Most seniors automatically renew their GIS simply by filing their income tax return by April 30 each year. However, as Senator Downe pointed out in his remarks, if a senior does not file an income tax return or does not otherwise apply, he or she is not receiving additional income for which they may be eligible — additional income that may make all the difference to a senior struggling to make ends meet.

In his remarks, Senator Downe referred to the 2001 report on the GIS tabled by the House of Commons Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities. In that report, the committee found that there are approximately 220,000 eligible seniors who receive the OAS but not the GIS, and that another 50,000 are eligible but receive neither benefit. Furthermore, the committee went on to say that it believed the estimates were based on the number of seniors who filed income tax returns and so did not capture those seniors who would be eligible but who did not file income tax returns. In the committee's view, the under-subscription to the program was based on two major factors — a lack of awareness about the program and an unnecessarily complex application process.

As Senator Downe indicated, the federal government has taken some action since this 2001 report to address the problem of under-subscription. In February and March of 2002, just over 105,000 seniors received notification of their potential eligibility for an income supplement from Human Resources Development Canada based on income tax information collected from the Canada Customs and Revenue Agency. The individuals contacted were sent a simplified one-page form, and they were able to apply for the GIS by confirming the declaration of income and family status and signing and returning the form.

Furthermore, in February 2002, the Canada Customs and Revenue Agency also sent letters on behalf of Human Resources Development Canada to approximately 65,000 seniors who declared low-income levels on their income tax returns but who were receiving neither the OAS nor the GIS. In 2001 and 2002, the department reported that these measures had led to the successful application for the GIS by approximately 75,000 additional Canadian seniors.

Furthermore, the federal government undertook a public education campaign designed to inform seniors about the benefits available to them, and the department launched a review of its application process with an eye to streamlining the system. The Canada Revenue Agency is also undertaking measures to make filing a tax return more user friendly for seniors.

In January 2003, approximately 125,000 seniors were issued a letter inviting them to file their 2002 tax return using the simplified service that was created especially for seniors. Using a telephone, clients need only identify themselves, to ensure that confidentiality provisions are met, answer a few "yes" or "no" questions, and their tax return is completed.

As well, in an effort to ensure that those who are currently receiving the GIS continue to, in January 2003 the Canada Customs and Revenue Agency informed, by mail, nearly 80,000 seniors who had not filed a tax return but were receiving the GIS of the benefits of filing a tax return as a method of automatically renewing their GIS.

As a result of all these efforts, in March 2004, Social Development Canada reported 91,928 more seniors receiving the GIS than in March 2001. However, honourable senators, despite these measures, there are still thousands of eligible seniors who are not receiving the benefits to which they are entitled and who are most in need.

Honourable senator, seniors in Canada are better off than they were a few decades ago. A recent Statistics Canada report notes that from 1980 to 2000, across all 27 of Canada's metropolitan census areas, the low-income rate for seniors fell from 34.1 per cent to 20.2 per cent, using low-income cut-offs. This improvement is substantially due to changes in programs such as the old age pension, the GIS and the Canada and Quebec Pension Plans. However, the average income of seniors still remains substantially below that of the population as a whole. Senior women have lower incomes than senior men, and unattached seniors have lower incomes than those of couples.

Seniors are one of the most valuable resources of Canada. They contribute to society in a number of ways, including providing care to young family members and volunteering. Approximately one fifth of all seniors participate in volunteer activities, and seniors donate more volunteer time annually than the rest of the population. Studies have shown that the market value of volunteer assistance by seniors over the age of 55 is worth \$10 billion. If these volunteers did not contribute such assistance, our communities' standard of living would decrease dramatically. As lawmakers, it is our role to ensure that our seniors receive the income support they need to remain healthy and active contributors to their communities.

I wish to congratulate Senator Downe for calling the attention of the Senate to this matter and to join with him in calling on the Minister of Social Development to redouble efforts to ensure that seniors in Prince Edward Island and across Canada are receiving the full benefits to which they are entitled.

The Hon. the Speaker pro tempore: If no other honourable senator wishes to speak, this inquiry is considered debated.

[Translation]

ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to:

(a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and

(b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and

(c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and

(d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and

(e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and

(f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and

(g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Pierre Claude Nolin: Honourable senators, we must pay tribute to Senator Cools, who is inviting us to examine a series of historical facts that, unfortunately, are known only to the peoples affected by this series of tragic events. We must congratulate her for drawing our attention to this matter.

First, Lord Moyne, it must be recognized is someone — and we must accept Senator Cools' word — who influenced the history of Barbados.

• (1600)

Today, Barbadians can claim to have had their own quiet revolution — and, as Quebeckers, you will understand that I am using this expression with some experience — thanks to the reports of Walter Edward Guinness, the real name of Lord Moyne.

That said, in her speech, Senator Cools shows once again that the peaceful coexistence of Jews and Palestinians in a different location and, to no lesser an extent, other Arab peoples in the region, is being compromised by terrorist groups on both sides, each more radical than the other.

Lord Moyne was assassinated in November 1944 by a group of young Jewish extremists. I do not want to get into the debate — I leave it to others — over the identity of their leader. He was not there at the time of the assassination, but he was behind the operation. Other better informed senators will provide the details of this plot.

That said, at the time, the action was condemned by the British government and also — it should be noted — by moderate Zionist leaders. Last November was the 60th anniversary of the attack.

I will conclude my remarks here. I would like to remind you that — and you will agree with me — while the cause may be good, important and intended to protect rights and expose unacceptable situations, violence must never prevail, whatever cause it is claimed to serve. All of us, especially as an institution, must learn more about the roots of this conflict, clarify what

drives extremist groups to take such action and, finally, come to the conclusion that, however good the reasons, such action must be punished.

I understand that Senator Prud'homme will be moving the adjournment of the debate. It is very important that the debate on this inquiry be allowed to continue and that any senator who wishes to speak be given as much time as he or she needs.

On motion of Senator Nolin, for Senator Prud'homme, debate adjourned.

COMMISSION OF INQUIRY ON THE SPONSORSHIP PROGRAM

MOTION—DEBATE ADJOURNED

Hon. Pierre Claude Nolin, pursuant to notice given February 1, 2005, moved:

That the Senate of Canada hereby calls upon the government to maintain the Commission of Inquiry into the Sponsorship Program and Advertising Activities for as long as necessary to establish the facts and discern the truth, and the Senate of Canada further urges the government to defend the Commission rigorously and reject attempts to impugn the integrity of the Commissioner, Mr. Justice John Howard Gomery.

He said: Honourable senators, every day we read in the papers about the proceedings of a very important Commission of Inquiry, which may seem negative at times. I will remind you of certain statements made by those taking part or having a direct interest. This Commission of Inquiry is important for all Canadians, and I am not the only one to say so. That is why I decided on this motion.

The Honourable the Speaker *pro tempore* has just given you the content of my motion, so I will not repeat it. No doubt you have all got the meaning of it, if not the letter of it.

This Commission of Inquiry is important for Canadians. Like all of us, Canadians want to know what really happened and how taxpayers' money was spent. They want to know the truth, the whole truth and nothing but the truth, as the expression goes. The terms of reference of this commission are to clarify the circumstances surrounding one of the greatest political and government scandals in Canadian history. Every new hearing day, yesterday's for example, brings its share of contradictory testimonies, leaks, and revelations, sometimes surprising and sometimes downright disconcerting, about how certain public servants and certain members of Parliament might have contributed to this huge fiasco. It is therefore important for Canadians to know what comprises this tangled web.

This commission is, however, equally important for the present Prime Minister of Canada. What did Mr. Martin have to say after the Auditor General's report was tabled? Quoting his words of February 12, 2004:

Canadians need to know that this government takes full responsibility for resolving this matter. We will not turn our backs on our responsibility to find out what happened and ensure it never happens again.

This commission is therefore extremely important for the Prime Minister and his government. He has just given us the reason why. When the commission was struck on February 20, 2004, he also said the following in reference to its mandate:

The terms of the Commission of Inquiry's mandate are very wide, with no limits. They will really allow us to get to the bottom of this business.

• (1610)

What is the commission's mandate? It is to explain how the sponsorship program was created by the government; how advertising and communications agencies were selected; how the Sponsorship and Advertising Activities Program was managed by the public officials and ministers responsible; how any persons or organizations received and used funds or commissions granted under the sponsorship program and any other matter directly related to the Sponsorship and Advertising Activities Program the Commissioner considers useful in carrying out his mandate.

At the conclusion of its work the commission is to make recommendations. Why recommendations? Do you recall what the Prime Minister told Canadians: "We must get to the bottom of this so it may never happen again." So, we need recommendations. The commission must set out its recommendations and prepare a report on the responsibility of ministers and public officials according to the recommendations of the Auditor General.

Does the commission have a difficult mandate? Extremely. Mr. Justice Gomery himself has admitted his naiveté — and that is my word, not his. It is a difficult mandate, especially when one considers the explosive political climate surrounding this scandal and the privileged positions of the many alleged players in it.

First, you will doubtlessly agree, I think, that Mr. Justice Gomery's reputation is beyond reproach. I believe that the Prime Minister and the government made an excellent choice in appointing him commissioner. The individuals who have tried to tarnish his reputation regret their actions, in my opinion.

A motion for recusal was presented by counsel for former Prime Minister Chrétien. Counsel based it on unfortunate statements — once again, this comes from me and no one else — by Mr. Justice Gomery, when he wondered how former Prime Minister Chrétien could have allowed his name to be autographed on golf balls, and his statements to the media.

In fact, when Justice Gomery told a journalist — as reported in *The National Post* on December 5, 2004:

Let's face it, he's a charming scamp and he had his department mesmerized.

During the same interview, the judge also endorsed the Auditor General's admittedly devastating report on the Sponsorship Program, and called the management of this government program, and I am quoting the judge, "catastrophically bad."

If it were to do over, would Justice Gomery still give this kind of interview to the media? I do not know. I think he made a mistake he will never repeat.

That said, must we ensure that the commission survives its mistakes? I think so. That is why I decided to introduce this motion. Let us be clear; even though Mr. Justice Gomery is a judge of the Quebec Superior Court, this is not a regular court; it is a Commission of Inquiry. The latitude given commissioners is broader than that afforded judges in a regular court.

Justice Gomery said this week, when he gave his ruling on the motion for recusal by counsel for former Prime Minister Chrétien, and I quote:

I realize now, with the benefit of hindsight, that it was an error for me to agree to be interviewed by the media before Christmas. I also recognize that some of the statements made by me during those interviews were ill-advised and inappropriate. My inexperience in handling the media is obvious to everyone, and has served to detract attention from the real objective of the Inquiry, which is to get at the truth ...

He went on to say:

I am firmly of the opinion that a reasonable, well-informed and fair-minded person understands the difference between committing an error and being biased.

After replying to each of the arguments raised in the motion for recusal by Mr. Chrétien's lawyers, Justice Gomery concluded that his comments did not demonstrate a reasonable apprehension of bias on his part. In other words, he was not biased and had drawn no conclusions about the management of the Sponsorship Program.

For those wondering why the person being asked to recuse himself makes the decision, this is how Canadian courts work. The first step in a motion for recusal is up to the person being asked criticized, and if his or her decision is not satisfactory, it need only be appealed. What can I say? That is how it works. It may seem odd. Some would have liked the Chief Justice of the Federal Court to rule on the debate. Perhaps then we would have discovered the qualities or political values the Chief Justice of the Federal Court would have been weighed. That is not why I am here today.

Justice Gomery made a decision finding that his words did not show a reasonable apprehension of bias. In other words, he was not biased and has not drawn any conclusion whatsoever on the sponsorship program.

A second person was targeted in the motion for recusal. Justice Gomery also came to the defence of the Lead Counsel to the Commission of Inquiry, whose integrity had been attacked by Mr. Chrétien's lawyers. What did Mr. Justice Gomery say?

Me. Roy should be judged solely on the basis of his work for the Inquiry, which has been professional, impartial and objective. He has my full confidence.

I will end there, honourable senators. I see that the Speaker either wants to interrupt me or stretch her legs.

The Hon. the Speaker *pro tempore*: Order!

Senator Nolin: I have brought two examples of case law, but I do not think I will have enough time to read them. Those who are interested, however, can call me. I would be pleased to give them references.

One of the examples concerns the Létourneau Commission of Inquiry on Somalia. A soldier appeared before the Federal Court complaining that Mr. Justice Létourneau had a biased attitude toward him, and the Federal Court initially ruled in favour of Mr. Beno. Then the Federal Court of Appeal reversed its decision and said that Justice Létourneau acted as commissioner and although some statements were open to interpretation, the fact remained that Justice Létourneau had enough latitude to rule on and talk about decisions.

When it is the opinion of an appeal court, there too, our system says the appeal court outranks the others.

That is the first precedent. The second, somewhat less well known, is *Newfoundland Telephone Co. v. Board of Commissioners of Public Utilities*, 1992. There too, the Supreme Court of Canada rejected a motion by the *Newfoundland Telephone Co.* against a commissioner of the board, alleging that he had made statements before and during the investigation, proving his obvious bias with respect to consumers.

• (1620)

I will not read to you from the decision, but the Supreme Court clearly stated that the motion was unfounded because the level of objection available to the parties was much lower than before the tribunal.

And why, honourable senators, do I wish to make this motion?

[English]

Senator Mercer: This is Law 101 here.

[Translation]

Senator Nolin: In 1994, the Minister of Defence, David Collenette, established a Commission of Inquiry to shed all possible light on the conduct of Canadian Armed Forces personnel stationed in Somalia as part of a peacekeeping mission, and particularly on the torture and murder of a young Somali by soldiers from the now abolished Canadian Airborne Regiment. This commission was established in the public interest. The public wanted to know everything and wanted to get to the bottom of things so that it could never happen again. And what happened? The commission was gagged! In the Senate, we tried to revive it, but without success.

Thus, my motion is very appropriate. If you firmly believe in the best interests of Canadians, you will pass it.

Hon. Eymard G. Corbin: Honourable senators, I have some questions to ask of Senator Nolin. Will he agree to reply?

Senator Nolin: I am prepared to answer your questions, because I have finished my remarks.

Senator Corbin: It appears that Senator Nolin has covered a lot of ground but has not asked the fundamental question. I see that Senator Prud'homme is moving toward to Senator Nolin. I do not know why, but he is in migratory mode here in this chamber. Is Senator Nolin not afraid that he forgot something?

One party felt aggrieved. That is why Justice Gomery was asked to step down. Senator Nolin, the Prime Minister, the Governor General, the person who polishes the brass in here every day or myself, we are all entitled to the same fundamental rights. An aggrieved party is entitled to use all the resources at the disposal of the average Canadian to defend himself or herself.

In this case, whether Mr. Gomery recused himself or not, whether he apologized or not, it seems that the Prime Minister's reputation was tarnished by inappropriate comments made by an individual who has taken an oath of office and who should never make such comments while proceedings are underway.

I had the opportunity to speak to law students at the University of Ottawa — whom I will not name, but they serve us here every day — and they said: "I dropped my textbook on procedure when I read the commissioner's comments reported in the newspapers and when I watched Prime Minister Chrétien's counsel on television."

The basic issue of the case is at stake here. The right of Jean Chrétien to defend himself, like everyone else under the sun. You did not say it!

Chuck Guité has the same rights as you and I, as the Governor General or the person who polishes the brass here in the Senate, whom I have a lot of respect for by the way. I do not mean to put anyone down. I believe that if justice is to be served in this case, then justice must pursue its course. It does not matter how much it would cost to reopen the inquiry or how long it would take to appoint a new commissioner to hear the case over again. A person feels that his rights have not been respected. Do you recognize his rights or not?

Senator Nolin: Yes, of course. I have no problem with anyone's right to ask a judge to recuse himself if he feels that his basic rights have not been respected. Where I take issue is with the government not making an effort to defend the very commission it created. Mr. Chrétien has every right to defend his reputation and if he thinks Justice Gomery's decision is not good, then he has the entire legal process at his disposal. The Federal Court is there for that.

With this motion, I want this House to look at the government's action. I am basing my argument on what happened in Somalia. It is better to exert pressure than to wait until it is too late. I have no problem with Mr. Chrétien's rights. If Mr. Guité believes his rights have not been respected then he should file an objection. There is a legal process in place to handle such matters. My motion does not target Mr. Chrétien or Mr. Guité. It is intended to provide the commission with protection by the government that created it.

Senator Corbin: My second question is this: Senator Nolin cited the case of Justice Létourneau. I am not familiar with the *Newfoundland Telephone Company*. If we compare it with what happened in the Gomery episode, a distinction has to be made. The Gomery Commission is under scrutiny by nearly everyone. I support the basis of the inquiry and am not out to kill it. I am speaking of something much more basic: an individual's reputation. Whether that individual be Gomery, Chrétien, Roy or whoever, I consider that, in this context, the harm the judge's words could do to a reputation — Guité's or Chrétien's — is far greater than what Justice Létourneau could do by speaking out at the officers' mess on an Armed Forces base. All Canadians hear what goes on in the Gomery Commission and everything that is said in connection with it. I do not think that the case of Justice Létourneau or *Newfoundland Telephone Co.* had the same impact.

There is a huge difference between these statements, given in today's overheated context. It gives the impression in public opinion that it is all right to make fun, to mock people's right to justice. Justice Gomery's apology was a totally honest action.

• (1630)

But, personally, I think that if I had been in his shoes, if I had done what he did and said what he said, I would have recused myself, because I would have felt unworthy of continuing the investigation! That is what I think.

Senator Nolin: You are so correct in raising the importance of rights that you compel me to quote the text of the Supreme Court of Canada decision in *Newfoundland Telephone Company*. I explained to you earlier that it was a commission, not a tribunal.

The court ruled that there was, based on the facts laid before it, reasonable apprehension of bias and that it was better for the commissioner to avoid making public statements. The court added the following, however:

Certainly it would be open to a commissioner during the investigative process to make public statements pertaining to the investigation. [...] During the investigative stage, a wide licence must be given to board members to make public comment. As long as those statements do not indicate a mind so closed that any submissions would be futile, they should not be subject to attack on the basis of bias.

The Supreme Court could have refused to hear the case. But it agreed to hear it specifically to try to determine the difference, the latitude a board member has before a judge. The judicial process is open to those who feel they sustained injury as a result of the board member's statements.

That being said, my motion is aimed at ensuring, through a decision of this chamber, that the government will stand up and live with the statements it made last year.

Yes it is important; it was important then, and it is important now. Yes, we have to get to the bottom of it so that it does not happen again. That is the purpose of my motion. We have the courts' interpretation of the role of a board member. That being said, the Right Honourable Jean Chrétien, Mr. Guité and anyone

who felt injured by the judge's statements, have all the leeway they need to do what has to be done before the Federal Court.

Hon. Pierrette Ringuette: Honourable senators, I do not have a legislative or legal background, but I think that there is a fundamental difference when a decision about members of a board is being reported. What we are talking about then is a reference to several people reviewing a file. In the motion you are currently discussing, we are talking about a person to whom a file has been referred, not a group of people.

I do not think that we can apply the same decisions in a similar case. That is all I wanted to say.

Senator Nolin: Honourable senators, allow me to give you my opinion on Senator Ringuette's argument. There is one factor that has to be considered. Certainly the Newfoundland board comprises a number of people. In the case before the Supreme Court, only one board member had made comments.

I have no problem with anyone trying to restrict the leeway of a board member a little more. The Supreme Court tried to do that, and now the Federal Court could decide to make an exception and accept your argument; that is a strong possibility. But my motion has to do with a board of inquiry that was created by an order of the Government of Canada, and it is that board of inquiry that I want to protect. That is all I want to do.

[English]

Hon. Anne C. Cools: Honourable senators, I belong to that group of people who have serious problems with the use of royal commissions to investigate matters that are so highly politically charged. I was not enthusiastic to see this royal commission. To this day, I do not understand why a royal commission was appointed to perform a task that is really Parliament's business. I hope in the process of the debate here that we may be able to garner some insight. If my honourable friend were to read the terms of reference within the Order-in-Council appointing the commissioner, Judge Gomery, he would see a wide and exhaustive set of powers. He would wonder who was making this appointment and why. He would wonder what was going on. It worries me deeply.

In addition, the second part of the terms of reference orders the commissioner to consider the government's corrective initiatives. Remember, Prime Minister Martin had included a list of the initiatives the government had taken.

Honourable senators, I have a lot of trouble with, first, creating a royal commission on the issues; and, second, turning around and empowering the commissioner to consider what I thought were Mr. Martin's political responses.

Having said that, this entire thing is a terrible spectacle and has troubled me greatly. I know that I am putting my question in a roundabout way, but there is no doubt that the whole situation has hurt and damaged Mr. Chrétien. I cannot see that this can be accidental. I have problems with a royal commission or any body pretending that it can make judgments on the political conduct of a former Prime Minister and, in the process of doing so, exposing

a former Prime Minister to enormous personal and perhaps criminal insinuation. I have made it my business over the years to ensure that I understand the proper constitutional relationships that should prevail in all these circumstances. When it comes to the conduct of that judge, only Parliament has the proper capability and authority to pass judgment on that conduct. Again, when it comes to the political conduct — and, if necessary, more than political conduct — of ministers and prime ministers, only Parliament is the proper forum to make these kinds of judgments.

The Judges Act respects this because it provides the exemption to allow judges to serve on royal commissions. There is a body of literature on the evils or the mischiefs that can be created when judges are invited to serve as royal commissioners in these very politically charged circumstances. It is bothersome. I guess I will develop some of this later.

Honourable senators, the Constitution gives Parliament superintendence over the conduct of judges as it does over the conduct of the Prime Minister. I am planning to speak on this matter. I do not like what is going on. At the same time, I also share the concern that at the end of this terrible spectacle we may be no closer to the truth. I am one of those parliamentarians who has a deep concern that Parliament has been totally diminished by the fact that the investigation and examination of these important matters were removed from the cognizance of Parliament and given to this royal commission.

I am doing a fair amount of research on this matter. Has the honourable senator, in his research, formulated any opinions on the wisdom, the prudence and the effectiveness of the use of royal commissions in these kinds of circumstances?

• (1640)

Senator Nolin: The short answer is no.

Senator Cools: A royal commission is a royal instrument. I am not sure if there is a process for a commissioner to recuse himself. Perhaps it exists, but my understanding is that a royal commission is a command from Her Majesty to perform a certain task. Granted, the commissioner may be able to say, "I cannot do it; my health is failing," or whatever. However, I am not sure that a commissioner can properly recuse himself by a motion. I am not sure as to whether that course of action was open to Mr. Justice Gomery.

I have a very strong opinion of what the judge had to say. I wish he had never said those intemperate words. However, I am not convinced that that motion was a proper process that the judge — and remember, he is not acting as a judge in this context. We should not be saying "judge." We should be saying "commissioner." The government has created a sense in the public mind that the Commission of Inquiry is somehow a trial, but it is not. The Gomery Commission of Inquiry is not like an ordinary case proceeding in the courts, whereby a plaintiff or a defendant, say, or someone else, challenges the judge and the judge has to recuse himself, so the next judge just steps up. Royal commissions do not work that way. This is a royal commission, and it would have to start over, right at the beginning, including a

new commission. Parliament, in its wisdom, when it passed the Inquiries Act, never intended royal commissions to be used by governments in this way.

I will expound on some of this, but these issues are difficult and complex, and we have to do the work to sort them out.

Senator Nolin: It is a fundamental right to question the impartiality of a commissioner or a court. I would be interested to hear your argument as to whether such a right does or does not exist in front of a royal commission. However, I have not researched that.

Senator Cools: In all fairness, all this may have been developing for a while. Prime Minister Martin has continued to call it a judicial inquiry, and I wish he would cease. It is not a judicial inquiry; it is a Commission of Inquiry. The difference is that a commission only has the powers to investigate; a commission has no powers to adjudicate. One expects impartiality, because anybody doing that kind of work should conduct him or herself in accordance with Her Majesty's commission. A judicial inquiry would have adjudicative powers, but this is not a judicial inquiry.

The powers that the commissioner has are confined to the investigative or inquisitorial powers. As the debate goes on, I hope this will be clarified. This is not the first time Parliament has been asked to look at the implications and the consequences of the use of these royal commissions. In previous times, members such as John Diefenbaker have had much to say about the use of them.

I hope we will be able to get some of these issues on the table and at the same time understand that what is taking place is creating enormous cynicism in this country. The politics of the whole thing is bordering nefarious.

Hon. Marcel Prud'homme: I do not wish to waste the time of the chamber, but I am prompted to do so at the invitation of my long-time colleague, Senator Corbin.

I am not moving anywhere; I am satisfied where I am in the corner.

[Translation]

I would like to hear the opinion of Senator Nolin, who is a recognized jurist and the son of an equally prominent jurist. Are we not abusing — and abusing at great expense — these so-called royal commissions or judicial inquiries? The people where I live, most of whom are working class, many of them paid minimum wage, have come to look at this commission as a spectacle. They refer to it as the "lawyers' commission", because lawyers seem to be the only ones getting anything out of the commission.

People say the same thing to me about the Létourneau Commission and the celebrated Commission on Public Complaints about the RCMP, which cost \$26 million. All that people see are the endless fees paid to the lawyers involved in these commissions.

My question is this: is there not growing abuse of political power? And I am not taking aim at the current government or former governments with which I was familiar. Huge amounts of money are wasted, and the government loses sight of the objective and the legal aspect. The fact is that if there are thieves — I am going to talk like Jean Chrétien — there is a legal system for that. Let the courts do their job and the police make it hell. When I have to tell my fellow citizens that it is going to cost 60, 70 million — who knows how much, and that is not the end of it, because the legal process has not started — and it is just a beginning that can lead to a trial, it is tough. There will be charges, people will appeal and it will go on forever at enormous cost.

Are these various and sundry commissions being used to get out of political hot water?

Senator Nolin: Parliament passed the Inquiries Act, and the government has complete leeway in using the legislation. Did they do the right thing or not? There is an advantage to using a Commission of Inquiry rather than going straight to court. The first step in legal action is always a charge. I charge someone with something, and the process is set in motion. A Commission of Inquiry undertakes a review. It looks at all the facts. When I read to you earlier the terms of reference of the commission that seemed to apply to us, you heard the complete list of what the commission has to accomplish. It is a very long list. The process of a Commission of Inquiry is quite comprehensive.

The legislation is there, and the government uses it. There are procedures applicable to the exercise. As far as lawyers go, there is no way to avoid them. There will always be people who want to be represented by lawyers because their rights could be infringed. We recently discussed that issue with Senator Corbin and others. It is a constitutional right to have counsel present when our rights are being threatened.

• (1650)

[English]

Senator Cools: The Inquiries Act was passed about 70 years ago and it was a development over many other Inquiries Acts from pre-Confederation. However, the fact is that the intention of the Inquiries Act was to allow the Governor-in-Council to make appointments and to call royal commissions without having to go through the bother of coming to Parliament for money. That is

what the Inquiries Act was about, to give the government access to the Consolidated Revenue Fund.

In those days, the Inquiries Act in its incarnation, when it was passed, this Parliament never anticipated that these enormous sums of money would be spent. Has the honourable senator, in his research, begun to formulate concepts or ideas about the fact that it may be time for Parliament to review the Inquiries Act and to examine carefully what the government is doing under Inquiries Act?

I have sat on committees with where we raised the possibility of studying this whole phenomenon, including the National Finance Committee where I raised the issue that it is time for Parliament to look at these questions. Interestingly enough, the government has opposed any proposal each and every time. Does the honourable have any thoughts on that subject?

Senator Nolin: It is an interesting question, but I must answer, no. I have not reflected on the purpose of undertaking such a study.

On motion of Senator Losier-Cool, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 8, 2005, at 2 p.m.

Hon. Joseph A. Day (The Hon. the Acting Speaker): Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 8, 2005, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 38th Parliament)

Thursday, February 3, 2005

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples					
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13							
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-21	An act to amend the criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03							

PRIVATE BILLS

[illegible]

CONTENTS

Thursday, February 3, 2005

	PAGE		PAGE
Visitor in the Gallery		Foreign Affairs	
The Hon. the Speaker	605	China—Prime Minister's Visit— Funeral of Former Premier Zhao Ziyang.	
<hr/>		Hon. Donald H. Oliver	610
SENATORS' STATEMENTS		Hon. Jack Austin	610
Liberation of Auschwitz-Birkenau		China—Prime Minister's Visit—Comments on Human Rights.	
Sixtieth Anniversary.		Hon. Donald H. Oliver	611
Hon. Jeremiah S. Grafstein	605	Hon. Jack Austin	611
Newfoundland and Labrador		Delayed Answer to Oral Question	
Agreement on Offshore Oil Revenues.		Hon. Bill Rompkey	611
Hon. Bill Rompkey	605	Environment	
The Late Roy Fraser Elliott, O.C.		Kyoto Accord Commitments	
Hon. W. David Angus	606	Question by Senator Gustafson.	
The Late Lawrence O'Brien		Hon. Bill Rompkey (Delayed Answer)	611
Hon. Ethel Cochrane	606	<hr/>	
Black History Month		ORDERS OF THE DAY	
Hon. Donald H. Oliver	607	National Security and Defence	
<hr/>		Committee Authorized to Meet During Sitting of the Senate.	
ROUTINE PROCEEDINGS		Hon. Bill Rompkey	612
Criminal Code (Bill S-24)		Royal Canadian Mounted Police Act (Bill S-23)	
Bill to Amend—First Reading.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. John G. Bryden	607	Hon. Pierre Claude Nolin	612
National Early Learning and Child Care Program		Spam Control Bill (Bill S-15)	
Notice of Inquiry.		Second Reading—Debate Continued.	
Hon. Rose-Marie Losier-Cool	607	Hon. Donald H. Oliver	618
<hr/>		Hon. Madeleine Plamondon	621
QUESTION PERIOD		Hon. Bill Rompkey	621
Transport		Study on State of Health Care System	
British Columbia—Effect of Congested Commercial Corridors— Dual Tracking of Canadian Pacific Railway Line.		First Interim Report of Social Affairs, Science and Technology Committee—Debate Continued.	
Hon. Noël A. Kinsella	608	Hon. Wilbert J. Keon	621
Hon. Jack Austin	608	Flaws in Delivery of Guaranteed Income Supplement Program	
Canadian Broadcasting Corporation		Inquiry.	
Ukraine—Radio Canada International Cutbacks.		Hon. Catherine S. Callbeck	623
Hon. A. Raynell Andreychuk	608	Assassination of Lord Moyne and His Contributions	
Hon. Jack Austin	608	to British West Indies	
Finance		Inquiry—Debate Continued.	
Guaranteed Income Supplement—Possible Increase.		Hon. Pierre Claude Nolin	625
Hon. Gerald J. Comeau	609	Commission of Inquiry on the Sponsorship Program	
Hon. Jack Austin	609	Motion—Debate Adjourned.	
Social Development		Hon. Pierre Claude Nolin	625
Guaranteed Income Supplement—Communication of Information.		Hon. Eymard G. Corbin	627
Hon. Gerald J. Comeau	609	Hon. Pierrette Ringuette	628
Hon. Jack Austin	610	Hon. Anne C. Cools	628
		Hon. Marcel Prud'homme	629
		Adjournment	
		Hon. Fernand Robichaud	630
		Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Y1
032



CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

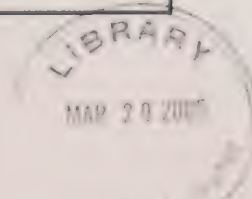
NUMBER 32

OFFICIAL REPORT
(HANSARD)

Tuesday, February 8, 2005

—

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, February 8, 2005

The Senate met at 2 p.m., the Speaker in the chair.

[Translation]

Prayers.

SENATORS' STATEMENTS

ILL EFFECTS OF HIGH CORPORATE TAXATION RATES

Hon. Donald H. Oliver: Honourable senators, Canadian companies are overtaxed. Our corporate tax rates are negatively affecting our ability to compete on the international stage.

Since 2000, Canada has lowered its federal corporate income tax only five percentage points, to 21 per cent. We need to lower it further and quickly before we fall even further behind the rest of the world. The European countries have been steadily slashing their corporate rates as they vie for foreign investment.

Following the lead of Ireland, which dropped its rates to 12.5 per cent from 24 per cent between the years 2000 and 2003, one nation after another has moved towards flatter, lower corporate tax rates with fewer loopholes. Ireland's rate is nearly one half the current rate of Canada. The Netherlands is the second most popular European target for U.S. and other investment.

Let me give you a practical example of how this lower tax regime works. Earlier last month, amazon.com formally announced that it would establish a European operation centre in Ireland. Its major competitor, eBay, has set up its European base in Switzerland. Hewlett-Packard, last year, set up a major research and development center in Ireland, allowing it to take advantage of lower taxes on royalties from intellectual property. Kellogg Company, Lucent Technologies Inc. and Bell Labs Innovations also set up major facilities in Ireland last year.

One of the high-flying stocks, Google, an Internet search engine, did the same thing last year, citing Ireland's "attractive low corporate rate as one of the primary reasons for basing its operations in Ireland."

Honourable senators, more than 1,000 global companies with Irish operations have chosen that country as a base from which to manage their low-cost operations in other countries. These companies include Microsoft, Apple Computer, Inc., Pfizer, Citibank, PepsiCo, Coca-Cola and Excenture.

Honourable senators, would it not be wonderful if each of those companies were to decide to choose Canada from which to launch their world operations. It can only be a pipe dream until we do something about our corporate tax rates.

THE LATE HONOURABLE LOUIS J. ROBICHAUD, P.C., Q.C., C.C.

Hon. Joseph A. Day: Honourable senators, it is with pleasure that I pay tribute today to a good friend and fine man, a great speaker and one of the most important political figures in New Brunswick in the past several decades, the Honourable Louis J. Robichaud, former senator and Premier of New Brunswick.

[English]

Several senators have spoken on the many accomplishments of the honourable senator; it is not necessary for me to enumerate those accomplishments again today.

• (1410)

Honourable senators will be interested to know that Premier Robichaud studied at the Faculté des sciences sociales et politiques at the University of Laval under the tutelage of Father Georges-Henri Lévesque. Father Lévesque is known as an inspiration for social activism and equality, particularly in the provinces of Quebec and New Brunswick and here at the federal government level.

During his tenure at Laval, Father Lévesque influenced a generation of Canadian political leaders, including Jean Lesage, René Lévesque, Senator Jean Marchand, as well as Senator and Premier Louis J. Robichaud. Father Lévesque taught his students about the need for social reform, social justice and the role of the state to provide for those in need, and it was that message and that inspiration that Louis Robichaud took back to New Brunswick.

Honourable senators, there is no question that Senator Robichaud, when he was Premier, achieved a tremendous amount for the Acadian minority in the province of New Brunswick. However, it is important for us all to realize that he, as the first Acadian premier of the province of New Brunswick, was able to rally and inspire the majority in New Brunswick. All of the province supported him in three separate elections. That leadership will go down as one of his most tremendous accomplishments. In achieving that equal opportunity throughout the entire province, he created a bridge between two linguistic groups that continues today.

Senator Robichaud left an indelible mark upon the province of New Brunswick and its people. The policies he implemented and the actions he took over three decades ago still resonate today. The courage and leadership he demonstrated against the business elite of the province at the time is documented in a wonderful book entitled *Little Louis and the Giant K.C.* I would recommend it as a very good read. He earned the gratitude of New Brunswickers, regardless of their political stripe, for his enormous accomplishments. His legacy set an example for the world and for our country in particular.

I know that his long-time assistant, who still works here on the Hill, Hélène Damphousse, will wish to join with all senators in expressing our condolences to his family.

THE LATE ROY FRASER ELLIOTT, Q.C., C.M.

Hon. W. David Angus: Honourable senators, I rise simply to complete the tribute I was giving last Thursday, February 3, to the late Roy Fraser Elliott, C.M., Q. C. Picking up where Hansard terminated, I will add that he and Mr. Stikeman invested in CAE in 1951 as a small start-up technology company. Fraser went on to serve as its chairman and guiding spirit for over 50 years.

CAE is today one of Canada's proudest business success stories, having become a vast global corporation and the world's principal designer and producer of aircraft flight simulators.

Fraser Elliott's philanthropy included quiet support for numerous cultural, health and educational organizations with which he became involved, often in a leadership role, and to whom he donated literally tens of millions of dollars.

Fraser's admirable accomplishments were deservedly recognized when he was made a member of the Order of Canada in 1980. He was predeceased by his wife, Betty Ann McNicoll, and is survived by their six children and their families. Fraser Elliott has now gone to his eternal resting place. May he rest in peace.

GENERAL RICK HILLIER

CONGRATULATIONS ON APPOINTMENT AS CHIEF OF DEFENCE STAFF

Hon. Ethel Cochrane: Honourable senators, I rise today to offer congratulations to General Rick Hillier, who was installed as the new Chief of the Defence Staff for the Canadian Forces on Friday.

General Hillier is a native Newfoundlander and it makes me very proud to see one of our own men serving in perhaps one of the most demanding times in our history. He is an excellent choice for the job, as his operational experience is simply second to none.

During his extraordinary military career, which has spanned more than 30 years, he has served throughout Canada, in Europe and in the U.S. Last year, he commanded NATO's International Security Assistance Force in Afghanistan. In that role, he had almost 7,000 troops from 36 countries under his command.

His unique credentials also include participation in an exchange program during which he served as Deputy Commanding Officer of the U.S. Army's Third Armored Corps in Fort Hood, Texas.

When the appointment was announced, the Minister of National Defence said this of Hillier:

He has a vision, not just for the army but for our forces in their entirety and how they can meet the threats of the modern world.

[Senator Day]

U.S. Lieutenant-General Leon J. LaPorte described General Hillier as intelligent, confident and personable. He said, "When you put these qualities together, you can't help but be a great leader." He also added, "Our soldiers respect him and they genuinely love to be around him."

General Hillier has often been called a soldier's soldier, and it is an assessment that is easy to understand. In 2003, for instance, when two Canadian soldiers were killed in Kabul after their Jeep hit a landmine, he said he felt wounded himself. More telling, however, he personally attended to the funeral arrangements for the two men.

Honourable senators, General Hillier now faces the daunting challenge of modernizing and guiding our over-stretched military. However, I am confident that under his leadership, not only will our country's military institutions enjoy great success, but so too will the men and women who wear the uniforms and make the ultimate contribution on behalf of all of Canada.

I ask honourable senators to join with me in extending congratulations and sincere best wishes to General Hillier.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-10, an Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Romkey, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

[English]

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 2,364 signatures from Canadians in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island,

who are researching their ancestry; as well as signatures from 254 people from more than one dozen states of the United States; and 171 from the United Kingdom who are researching their Canadian roots. A total of 2,789 people are petitioning the following:

Your petitioners call upon Parliament to immediately direct the Chief Statistician of Canada to return care and control of schedules of Historic Census to the National Archivist for subsequent public access in accordance with the Access to Information and Privacy Acts; and

That continued public access of Historic Census Records, without condition or restriction, be ensured by the addition to the Statistics Act of a single clause....

Including the signatures I presented to the Thirty-sixth and the Thirty-seventh Parliaments, I have now presented petitions with over 32,339 signatures, all calling for immediate action on this very important matter of Canadian history.

QUESTION PERIOD

JUSTICE

SAME-SEX MARRIAGE—FREEDOM OF RELIGION OF PROVINCIAL MARRIAGE COMMISSIONERS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate and relates to the plight of marriage commissioners.

Judicial activism at the provincial level and the lack of leadership on the part of the federal government has led the Leader of the Government in the Senate in response to a question on February 2, to state:

...the constitutional jurisdiction of marriage lies with the federal government. The solemnization jurisdiction is with the provinces. If the provinces in any way interfere with the freedom to practise religion, then those individuals who feel interfered with should insist on their Charter rights.

This means that marriage commissioners who are not religious officials but who are provincial public servants are unprotected by what we think is coming forward from the Liberal side by way of legislation.

As a result, one in 10 marriage commissioners have resigned in Newfoundland since the province's Supreme Court decided in December that having only opposite-sex marriages was unconstitutional. These commissioners resigned because the province told them to abide by the law or quit. In Manitoba, 12 marriage commissioners have resigned; in Saskatchewan, eight have resigned; and in British Columbia, 12 have resigned.

Last week, *The Globe and Mail* quoted Saskatchewan Minister of Justice Frank Quennell as saying:

The marriage commissioners are representatives of the province; they're the ones who have to administer the law.

He continued:

And if they won't administer the law as it now stands, then the province is not following the law.

Mr. Quennell said:

"To have civil marriage commissioners import their religious beliefs into the civil marriage...is to force people to meet religious requirements when, if they'd wanted to do that, they could have gone to a church.

I cannot see any protection for the religious freedom of people who do not wish to perform same-sex marriages for religious reasons. We are talking about a provincial jurisdiction.

Why is the Minister of Justice telling us that religious freedom is protected when basically it is not, and the federal government is doing nothing? The government is telling these people that from time immemorial in this country, from 1867, freedom of religion existed, and yet these marriage commissioners are not allowed to practise their religion freely. They are being discriminated against and fired for failing to live up to judicial activism at the provincial level, and I do not think the federal government is protecting them in any way, shape or form.

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the Honourable Senator St. Germain for his important question. I believe his question is completely answered by the reference that Senator St. Germain cited and attributed to the Minister of Justice in Saskatchewan.

Let me make the point as clearly as I can: People who are commissioned in various provinces to perform civil marriages are obliged by the commission to perform civil marriages under the law of that province. That is their duty as provincial public servants. If they refuse to perform that duty, they are refusing to exercise the responsibilities that they have undertaken under the authority of the province. This is in no way an interference with their religious freedom. They are free to practise their religion and free to stand by the principles of their religion, but they cannot import that religion into their civil duties.

We discussed this concept last week when I referred to the role of political leaders who belonged to a religion that put their public policy duties at odds with their political responsibilities as leaders. I referred to President Kennedy, for example, who said that if he is to be President of the United States, his religious responsibilities were not relevant. He exercised his duties under his democratic franchise on behalf of all people and under the law of the United States. Again, that is essentially the principle that is involved here.

The office of marriage commissioner is a civil office in those provinces. The provinces have the right to describe how those duties are to be exercised on behalf of equality of rights for all citizens as set out by the courts of those provinces.

Senator St. Germain: I understand what the honourable minister is saying. However, British Columbia appears to be backpedalling on their hard-line approach to marriage commissioners. According to a report last week in *The Globe and Mail*, a spokeswoman for the provincial government said that the policy of requiring marriage commissioners to perform same-sex marriages is no longer in place, but they must help the couple make other arrangements.

The argument is that these people were hired to perform a civil task. If that task contravenes their faith, there are some of us who would never sacrifice our faith and, if given the chance, would vote against it. If I were Jewish, I would most likely be an Orthodox Jew. If I were an evangelical, I would most likely follow Billy Graham. I happen to be a Roman Catholic and am proud to say that I follow Pope John Paul II.

I stand and always vote according to my conscience. I would never stand, like some politicians, and say, "I am a devout Catholic," and then deny everything that the Catholic Church preaches in the same breath. Maybe the honourable senator can live with that but I cannot. Obviously, these marriage commissioners cannot and there is no protection for them. They are being told to seek out their rights. This is something that has been basic to them and to every one of us, yet it is now being challenged. Do I see the federal government standing up? As I pointed out, the Province of British Columbia is saying that the provision is no longer in place and that they must help couples to make other arrangements.

The question is this: Are basic human rights in Canada now dependent on the goodwill of provincial justice ministers? Is this what Justice Minister Cotler had in mind when he said during his press conference after tabling the bill that "rights are not being taken away, rights are being added"?

I say to the honourable minister that there are people whose lives have been totally disrupted as a result of their faith, yet the government is sitting back and telling them that they have to abide by a judicial decision at the provincial level at this time. Is the government telling them that it is not prepared to protect their rights?

Senator Austin: Honourable senators, I cannot improve on the clarity of the answer that I gave to the first question Senator St. Germain put to me.

• (1430)

I simply want to make it clear that there is no interference with the right of any individual to practice the religion of his or her choice. When seven provinces and one territory provide, through the decision of their courts, that their law, which is a civil law, permits a civil marriage of people of the same sex, and those laws have established offices and officers to perform civil marriages according to the law of those provinces, then, by a parody of reasoning, public servants in those provinces, or people who have entered into undertakings to perform public service as the result of an appointment by the Lieutenant Governor in Council, are obliged to adhere to the law of the province in which they reside.

They have taken on duties to administer the law of that province. That province has prescribed those laws and those laws have been found by the courts to be constitutional. The people who administer those laws have taken on that responsibility. They are obliged to administer those laws.

This applies not only to marriage commissioners in provinces. It applies to all public servants. Whatever their religion, they are obliged to carry out the policies of the governments and respect the laws of their provinces. There would be chaos in this country were it otherwise.

Senator St. Germain: They are being asked to perform a marriage and marriage, in the interpretation of many, is a religious institution. Is the leader saying that, by virtue of a change in civil law, these people are not being denied their right to practice their religion? If my religion specifies that this is not permitted then I can no longer practice my religion freely. Such an act goes against my religion. I am being asked to operate outside of my religion for civil purposes, or else be fired. Therefore, as a marriage commissioner, that would be a denial of my religious rights.

That is my interpretation and I think it would be the interpretation of many. I am sure that the honourable minister is aware of the controversy surrounding this very subject across the country. Ministers in churches across this nation are spending hours speaking out on the issue.

However, I want to focus on marriage commissioners because I believe that their right to practice their religion is being denied by virtue of the legislation that has been passed by many provinces. I am not a lawyer, but I cannot see how persons can be asked to do something in contravention of their religious beliefs, and if they do not conform, they will be fired. I cannot understand how that is not discrimination.

Senator Austin: Honourable senators, I will go over the ground another time, although I am sure that Senator St. Germain and I will not view this issue in the same light.

Clearly, the office of marriage commissioner in the provinces is a civil office, not a religious office. Individuals who accept the responsibility of marrying Canadians in those provinces in a civil ceremony are obliged to marry those who are legally competent to be married. If they refuse to do so, then they are in a position of personal conflict, which has to be resolved in favour of the law of the province and in favour of them fulfilling their responsibilities according to the appointments that they hold.

This does not interfere with their right to practice their religion. I grant you it interferes with their right to prescribe the circumstances of other Canadians, but the Charter and the courts of this country have made the law extremely clear with respect to the equal rights of Canadians in those provinces.

As Senator St. Germain knows, there is a bill in the other place that is designed to make that law uniform across Canada, so that we do not have a checkerboard set of rights; different rights for different Canadians depending on where they reside.

Hon. Terry M. Mercer: Honourable senators, by way of a supplementary question to the Leader of the Government, if we were to accept Senator St. Germain's argument, it would seem, then, that many other public servants at the provincial level must find themselves in the same quandary that Senator St. Germain puts forward regarding marriage commissioners. What about all those Roman Catholics who work in provincial governments across the country who are involved in the registration and the processing of divorces, when the Catholic Church stands firmly against divorce? Are they in the same boat? I would argue not. I would think it is a falsehood, but I would like to hear the government leader's comments on that point.

Senator St. Germain: I do not agree with that either. I do not agree with divorce.

Senator Austin: Honourable senators, each of us has religious convictions that are paramount in our personal behaviour because we have decided that they should be paramount in our personal behaviour. However, we live in a secular nation. Canada is not a theocracy. It is the result of long years of political evolution and the separation of the church and the state. Today, the state speaks for the civil rights of Canadians.

Hon. Anne C. Cools: Honourable senators, I have been listening to the Leader of the Government in the Senate with some interest and I wonder if he would agree with me that in Canada, for the last many hundred years, we have had the separation of church and state. Am I correct in that, or is separation of church and state a new concept?

Senator Austin: I believe I just answered that question in response to Senator Mercer.

Senator Cools: I thought I was asking a slightly different question. I thought I was asking the leader to pinpoint when, in Canada, was church and state united.

Senator Austin: I would not know when, in Canada, church and state were united.

Senator Cools: Very well. Then it is fair to say that at least since Confederation we have had separation of church and state.

Senator Austin: I do not believe they are united.

Senator Cools: Precisely, we have always had separation of church and state. I am trying to suggest to the honourable leader that he is not talking about separating church and state, but that he is talking about separating people from their religion. There is a slight difference. Church and state have been separated in Canada for quite some time, if not forever.

• (1440)

Marriage is interesting. Two people cannot, of their own volition, marry; just as two people, a man and woman, cannot, of their own volition, end their marriage. There is a third party to every marriage, just as there is a third party to every divorce, and that third party is Her Majesty. The act of performing,

solemnizing a marriage in this country is a prerogative act under the Royal Prerogative. That is why there are marriage commissioners. A commissioner is an agent of Her Majesty who marries couples by Her license.

How is it possible that in the name of the law, the courts can force Her Majesty's agents in how they exercise their duties under the Royal Prerogative of celebrating a marriage? This may seem corny, but it is profound.

Senator Austin: Honourable senators, as Senator Cools knows as well as anyone in the chamber, laws are made by the sovereign in Parliament. The Charter is a law made by the sovereign in Parliament and confirmed by the legislatures of nine of the 10 provinces, which the Supreme Court in 1981 found to be sufficient to pass a constitutional amendment. Therefore, the situation we are dealing with is one in which the people and the sovereign have spoken together.

Senator Cools: My understanding is that the Supreme Court of Canada, in its opinion last fall, clearly stated that the Charter did not require the current proposal as the honourable senator is putting it. At the end of the day, the power over marriage rests with Her Majesty. What constitutional authority do you have to compel Her Majesty's commissioners to do what you want? I submit you have no constitutional authority. Unfortunately, it is an area of law that no one will look at.

Senator Austin: Honourable senators, I am saying something that is obvious to anyone who is a practitioner of governance. This Parliament and the provinces together have acted constitutionally in bringing about a constitutional amendment, which we describe in point of relevance as the Charter. Under our constitutional system, the courts are the instrument for the interpretation of that document. The courts have made an interpretation in which they have found that the law and the Charter permit civil marriage, and the courts of seven of our provinces and one of our territories have decided that civil marriage is lawful, and the laws of those provinces allow it. That is the chain of authority.

NATIONAL REVENUE

EXPENDITURE REVIEW COMMITTEE— PACKAGE OF POSSIBLE SAVINGS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the process leading up to the budget on February 23. For the past several months the Minister of National Revenue has headed the Expenditure Review Committee which is seeking to achieve \$12 billion in savings, of which half is to come through operating efficiencies in areas such as property management, purchasing and service delivery, and the other half from an exercise where deputy ministers identify the five per cent of spending in their departments which represents the lowest priority.

When he appeared before the Standing Senate Committee on National Finance on November 17, Mr. McCallum said that he hoped to have a package of proposed costs ready for the Prime Minister before Christmas so it could be included in the budget.

Could the Leader of the Government in the Senate advise the Senate whether the package of possible savings was completed prior to the Christmas break?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my information that the Minister of National Revenue has made a full report to the Prime Minister on the subject of expenditure review.

Senator Oliver: When Minister McCallum was before the Standing Senate Committee on National Finance, he was asked about the role of parliamentarians in this expenditure review process. His answer kept coming back to the Liberal caucus. For example, he said, "I have had about 20 meetings with different members of our caucus." As to the report of the Expenditure Review Committee, which was to be completed by Christmas, the minister said, "We will certainly discuss within caucus the general lines of it".

For the benefit of those of us who sit in another caucus, could the Leader of the Government advise the Senate whether Mr. McCallum has taken either the final or the draft report of the Expenditure Review Committee to his caucus and, if so, what are "the general lines of it"?

Further, how can Parliament, as an institution, become involved in this process?

Senator Austin: Honourable senators, today seems to be a day for discussing the issue of the constitutional makeup of our governance system. Obviously, there is a difference between the government and the legislature. The process of expenditure review is an exercise carried on within the government. The non-governmental process is the way in which political parties govern their affairs here in Parliament. I can neither be exact with respect to that which is internal to the government process nor that which is internal to the Liberal caucus process.

PRIME MINISTERS' OFFICE

NATIONAL UNITY RESERVE FUND

Hon. Marjory LeBreton: Honourable senators, on March 24 of last year, in response to a question I raised about the unity fund, the Leader of the Government stated:

Honourable senators, the Prime Minister was not aware of a fund called the national unity reserve until the time he became Prime Minister..."

Senator Austin was referring to Prime Minister Martin.

This morning before the Gomery Commission, the former Prime Minister outlined the purposes of spending reserves in general and made some comments about the reserves. He then said that, during the course of his administration, the Minister of Finance and he agreed to set aside \$50 million a year for expenditures related to national unity that would be decided upon during the course of the year.

In view of this, will the Leader of the Government in the Senate indicate which version is the correct one?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have not found any contradiction in Senator LeBreton's question. I presume she is referring to a fund that was set aside by all governments, going back to Prime Minister Trudeau, with respect to national unity. Such a fund was in existence during the tenure of Prime Minister Mulroney, as it was with respect to Prime Minister Chrétien. That fund has been long standing and well known.

Senator LeBreton: There is quite a difference. This one was run out of the Prime Minister's office under the signature of the Prime Minister.

This morning the former Prime Minister Jean Chrétien made a number of statements that implied that the current Prime Minister knew about the government's national unity spending and was in support of it. He told the commission that his cabinet was united in its determination to do what it takes. He said that no one in government believed for a moment that federal sponsorship of community events alone would convince Quebecers to remain in Canada, but that they were certain that the absence of a visible federal presence hurt the cause of Canada. He told the commission that federal visibility was merely one element of a very comprehensive approach.

He went on to say that a cabinet committee, headed by Marcel Massé, made several recommendations that included but went well beyond this federal visibility in Quebec. He said that Marcel Massé's report was discussed in detail in cabinet on February 1 and 2, 1996, and the recommendations, including increased federal visibility were all unanimously approved. He said that they acted on all of them over the next days, weeks, months and years.

The current Prime Minister is set to testify later this week. Could the Leader of the Government in the Senate advise whether the Prime Minister intends to stick to his story that he knew nothing about what was going on in the province of Quebec?

Senator Austin: Honourable senators, first, Prime Ministers Trudeau, Mulroney, and Chrétien all had ministerial responsibility for the national unity fund. There is nothing exceptional in that.

Second, the present Prime Minister made clear to me, and I made clear in the chamber, that I was in error in saying that he was not aware of the sponsorship fund. That is on the Senate record. There is no issue in that regard.

Third, the honourable senator has referred to a document. I believe that we have the right to have the statement by the Right Honourable Jean Chrétien tabled and appended to Hansard today so that the complete statement made by Prime Minister Chrétien is available to this chamber.

Honourable senators, am I correct in saying that the document is required to be tabled?

Some Hon. Senators: No.

• (1450)

The Hon. the Speaker: Honourable senators, I believe that leave with unanimous consent is required in order to table a document. With the permission of honourable senators, I will return to the matter later so that Senator Cochrane is able to proceed.

[Later]

In respect of the exchange during Question Period between Senator LeBreton and Senator Austin, the Leader of the Government in the Senate, to clarify the point, I quote from Beauchesne's *Parliamentary Rules & Forms, 6th Edition* at page 151, paragraph 495(6):

A private Member has neither the right nor the obligation to table an official, or any other, document.

Having said that, it is the practice of the house to table documents with unanimous consent. However, there is no obligation on the part of Senator LeBreton to request it.

Is there a request, honourable senators?

HEALTH

REPORTING OF ADVERSE REACTIONS TO PRESCRIPTION DRUGS

Hon. Ethel Cochrane: Honourable senators, my question for the Leader of the Government in the Senate deals with the reporting of reactions to prescription drugs. Currently, physicians and other health professionals report adverse drug reactions of patients to Health Canada on a voluntary basis. Last December, the Minister of Health stated that he is committed to making this practice mandatory by instituting a system whereby doctors would be legally compelled to report serious side effects arising from medication use. Could the Leader of the Government tell us if the health minister has already begun talks with the provincial governments and the regulatory bodies regarding his proposal?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will look into the subject matter of Senator Cochrane's question and provide an answer for her as quickly as possible.

Senator Cochrane: Critics of the minister's proposals say that requiring doctors to file such reports may not improve drug monitoring, especially if it leads to an enormous amount of data collected without a proper method of analysis or a means to share the information. Issues of patient privacy and provincial jurisdiction may also arise from the minister's proposal. Could the leader make inquiries to determine whether the health minister entered into consultations with the provinces, the physicians' associations and other health groups before going public with his intention?

Senator Austin: Honourable senators, I will look into the matter. I do not have any specific information to offer Senator Cochrane at this time. I recall, however, a question on this matter from Senator Keon who was concerned about Health Canada and the Food and Drug Administration in the United States monitoring the use of, and negative effects of, drugs that had been approved for public use. Senator Keon asked whether there

was a monitoring process in place. Of course, the front line of knowledge on the impact of drugs is with the medical practitioners. I have no further way of answering Senator Cochrane's question, but I am interested in the response.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present two delayed answers in response to oral questions raised in the Senate. The first one is in response to an oral question raised on December 15, 2004, by Senator Di Nino regarding the airline industry and the RCMP investigation of airport workers for possible ties to organized crime.

[Translation]

The second is in response to an oral question raised in the Senate on December 13, 2004 by Senator St. Germain, concerning the Millennium Bureau.

[English]

I am presenting an appendix that should have been attached to the delayed answer tabled Tuesday, February 1, 2005, in response to Senator Forrestall's oral question raised on November 23, 2004, regarding sovereignty in the Arctic.

(For text of Appendix A, see today's Debates of the Senate, see p. 661)

I should say to Senator Lynch-Staunton that I had thought that I would have the answer to his question today; however, I do not have it. I expect to have it this week and perhaps the delay is occasioned by getting it right in view of the person who asked the question. I am assured that the honourable senator will have it this week.

TRANSPORT

AIRLINE INDUSTRY—RCMP INVESTIGATION OF AIRPORT WORKERS FOR POSSIBLE TIES TO ORGANIZED CRIME

(Response to question raised by Hon. Consiglio Di Nino on December 15, 2004)

The Minister of Transport Canada and the Royal Canadian Mounted Police (RCMP) have signed an agreement on the sharing of sensitive law-enforcement information, including information on organized crime and criminal association for the purpose of conducting security screening background checks on transportation workers.

Transport Canada, has, in cooperation with the RCMP, reviewed all existing airport clearance holders against the criteria identified by the Auditor General, and will continue to subject all new applicants to the same review process.

The review has identified 73 possible cases out of the 125,926 existing airport clearance holders that may require further investigation. This does not mean that there are 73 cases of concern, only that there are 73 cases that merit further review. Of the 73 workers initially identified, a more

extensive investigation resulted in some clearance holders or applicants being eliminated as potential threats, whereas others continue to be under review. For these cases, decisions on action, if any, will be made pending the results of the reviews.

When Transport Canada obtains credible information indicating an existing clearance holder poses a risk to transportation security, the department responds immediately to suspend or revoke the clearance of the individual in question.

PUBLIC WORKS AND GOVERNMENT SERVICES

MILLENNIUM BUREAU—ALLEGED IRREGULARITIES

(Response to question raised by Hon. Gerry St. Germain on December 13, 2004)

Alleged problems within the Millennium Bureau

The Canadian Millennium Partnership Program (CMPP) was a highly successful community-based initiative to celebrate the turn of the Millennium that generated enthusiasm among Canadians for their communities and country.

The Millennium Bureau established a rigorous monitoring and evaluation framework in 2000. This framework provided for the monitoring of up to one third of the project files to assess compliance with program requirements. Furthermore, each application was assessed against clearly defined criteria. A formal contribution agreement was established for each project, to ensure that project design would be respected and project objectives met. These agreements provided clear reporting requirements for all projects over \$250,000, such as submitting audited financial statements to the Bureau.

The Millennium Bureau of Canada operated in a fully transparent manner. All contributions made under the CMPP were reported in the Public Accounts of Canada and posted on the Millennium Bureau website. Like all departments, the Millennium Partnership Program reported on its expenditures and results to Parliament. It filed Performance Reports to Parliament, starting in 1999 up until 2001-02, the last year it was in operation.

Records related to the Millennium Bureau

As the Millennium Bureau is a defunct organization, its records have been under the care and control of Library and Archives Canada since it wound down in fiscal year 2001/2002.

With the consent of Library and Archives Canada, access has been provided to these records to answer Parliamentary queries, as required.

Review of Millennium Program

The Millennium Bureau operated in a fully transparent manner, and had a rigorous monitoring and evaluation

framework. Paper audits were conducted by the Bureau's staff. A number of formal file audits were conducted by external Chartered Accountants. As well, an independent evaluation of the CMPP was conducted by an outside consultant in 2001, as the program was winding down. This evaluation found that the CMPP was a very well run program: it was effective in reaching its objective, it was managed within its budget, it had proper processes for assessing and approving applications and it had appropriate controls and accountability mechanisms.

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to present to you Christina Richard, a native of Gatineau, Quebec. She is studying Communications and Political Science at the University of Ottawa. We welcome her to the Senate.

ORDERS OF THE DAY

TELEFILM CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Maria Chaput moved the second reading of Bill C-18 to amend the Telefilm Canada Act and another Act.

She said: Honourable senators, it is a great pleasure for me to speak to you today at second reading of Bill C-18 to amend the Telefilm Canada Act. This is of great importance for the audiovisual sector, and thus for the cultural and artistic life of Canadians.

Culture is part of every Canadian's life. It helps enhance our quality of life, fosters personal and social development, inspires us and allows us to define our identity as individuals and as a nation.

In Canada it is crucial for our culture to be developed, strengthened and preserved so that the stories that characterize us may link the diverse communities across the land and forge ties to unite all Canadians.

Like the cultures in many other countries of the world, Canadian culture is made up of diversity and that diversity is constantly growing. We are a nation of numerous ethnic backgrounds, ideologies and experiences. Culture helps us understand each other. It unites us. For that to happen, however, we need tools and mechanisms by which to make the concept into a reality.

Telefilm Canada constitutes one such mechanism and its role is a crucial one. Over the past 38 years, Telefilm Canada has built up our cinematography industry and supported its creators. It has contributed to the creation of a dynamic and prosperous industry, one recognized throughout the world for its talent in producing cinematic works.

Bill C-18 amends the Telefilm Canada Act of 1967, which was intended to encourage the development of a feature film industry in Canada. As cultural policies evolved and new technologies appeared, Telefilm Canada and its feature film expertise became the natural choice when it came to allocating responsibility for programs relating to television, innovative media and audio recording. In so doing, however, Telefilm's activities exceeded its initial mandate and no longer observed the spirit of the law.

In 2004, the Auditor General pointed out these flaws within her mandate of improving government transparency and accountability, and the government responded to these concerns by tabling Bill C-18.

• (1500)

This bill gives Telefilm the mandate it requires in order to carry on its current activities in the areas of television, new media and sound recording and ultimately to contribute to Canada's success in these fields, just as it has in the feature film sector.

Bill C-18 validates Telefilm's past activities in the audiovisual sector so that there will be no lingering doubts about the excellence of the work accomplished so far.

Telefilm Canada is an institution recognized as a supporter of cultural activities. Its support for Canada's audiovisual industry has helped to strengthen Canada's cultural fabric and give expression to the hopes and experiences shared by diverse communities.

As a cultural investor in the film, television, new media and sound recording fields, Telefilm thus supports the creation of Canadian content reflecting the diversity of the Canadian population that can be seen on television and movie screens and heard through headsets by all Canadians.

Telefilm encourages and fosters excellence in Canadian cultural works. It has made possible the growth and creation of new jobs. Many of its high-quality cultural products have attracted large audiences all over the world.

Through its support for creating Canadian content, Telefilm has contributed to the recognition of Canadian works and Canadian talent everywhere in the world and has made it possible to build international partnerships that have led to profitable business opportunities.

Telefilm's participation in feature films, television, new media and music has generated innumerable achievements and successes that confirm Telefilm's effectiveness.

Thanks to these successes, more media attention is now paid to the launch of Canadian audiovisual content, and more and more Canadians are now watching these films or programs or listening to home-grown music. And they are talking about it as well, which increases their understanding of and interest in Canadian content and raises their awareness of Canadian talent and Canadian creators.

Let us talk about some of these successes: Canadian films.

In terms of feature films, for example, *The Barbarian Invasions*, a Canada-France co-production, won many awards, including the 2004 Oscar for best foreign-language film. This fascinating story, steeped in local references and situations, made a significant impression on audiences in Canada and elsewhere.

Séraphin: Heart of Stone, by Charles Binamé, had outstanding success in Canada with ticket sales of nearly \$10 million.

Other films financed by Telefilm, such as *The Saddest Music in the World* by Guy Maddin, *The Statement* by Norman Jewison and *Seducing Doctor Lewis* by Jean-François Pouliot, have won acclaim at home and abroad for their captivating stories and the quality of their direction, cinematography and music.

I am sure you will agree with me that these are major productions.

Telefilm's success in the film industry points to its future success in television, new media and sound recording. Consequently, there is no question that Telefilm must continue to make its contribution.

[English]

Let us talk about Canadian television. We can all be proud of the Canadian performances on our television screens. The popularity of series such as *Les Bougon*, *Fortier* and *Trailer Park Boys*, as well as many others, underscores just how much Canadians appreciate their national television. These programs and others capture the lives of ordinary Canadians from east to west, reflecting the humour, the mannerisms and the lifestyles with which all Canadians can identify.

These programs can also display characteristics that some Canadians are unfamiliar with, thereby giving them a chance to learn and revel in the conventions and history of diverse communities across Canada. These programs engage and connect Canadians.

The ability of Canadian shows to resonate with Canadians and develop a large following of fans at home and abroad is a testament to the level of talent developed and refined here in Canada.

For instance, crime dramas like *Da Vinci's Inquest* and *Cold Squad* have infused a local Canadian flavour to the once American-dominated style of cop shows. *Da Vinci's Inquest*, English Canada's longest running dramatic series, has won the Gemini Award for Best Dramatic Series four times over and can be found on television schedules around the world. It is a definite success story, and one also that I dearly love.

The French-language market frequently produces top-rated programming that outperforms even the biggest foreign prime-time hits and syndicated favourites. As a matter of fact, there are no American programs ranked in the top 10 in French-language Canada, an indication of a connected culture that prefers to see itself on the screen. Canadians want to see themselves reflected.

A significant contributing factor to the success of these shows is the Canadian Television Fund, which is administered in part by Telefilm. This \$267-million fund focuses more and more on audience levels rather than levels of production volume as a measure of program success.

Thanks to the programming decisions of Telefilm and the Canadian Television Fund Corporation, Canadians now have an entertaining and diverse array of Canadian prime-time programming that is quickly inching its way up the audience measurement charts.

Let us talk about new media. Of all the sectors to be discussed here today, new media is by far the fastest growing and potentially furthest reaching of all. Over half of all Canadians have access to the Internet, and for many young Canadians this translates into a vast resource for learning, sharing and entertainment.

Combined with other creative works, such as film, television or music, online content can be used as an extremely effective cross-promotional tool by directing viewers from the Internet and CD-ROMs to Canadian content on the big screen, small screen and radio, greatly increasing audience potential for Canadian works.

The New Media Fund serves to develop a prominent and visible online content industry that brings to light the creative and technological advances of Canadian work to Canadian audiences. This program is extremely beneficial to the way in which our children learn and socialize with each other and the world around them. For example, since the Internet and interactive CD-ROMs are widely used in school curricula, the Canadian New Media Fund serves as an extremely important mechanism for Canadian content to be generated and brought to the attention of teachers and students alike, introducing Canada's youth to the extensive and dynamic array of Canadian content, and presenting information from a Canadian point of view. This, as honourable senators will agree, will help to develop a better sense of who we are as Canadians during an individual's developmental stage, which will likely nourish their appetite for Canadian stories well on into their adult years.

Canada's achievements in this sector are numerous and cover a wide range of interactive and digital products. One notable accomplishment is the website www.degrassi.tv. This online site, inspired by the internationally renowned Canadian television series *Degrassi: The Next Generation*, has garnered domestic recognition by the Academy of Canadian Cinema and Television for its outstanding interactivity and enormous popularity.

Lastly, let us not forget about the Canadian sound recording industry. In concurrence with the Department of Canadian Heritage's 2001 Sound Recording Policy to build a competitive music industry for the new economy and develop audiences for homegrown talent, Telefilm was given the responsibility to administer the Music Entrepreneur Program. Telefilm's expertise in supporting cultural entrepreneurs has been utilized to allow these companies to better capitalize on their creative

talent. This program has supported Canadian music entrepreneurs and has given them the necessary funding to carry out their short- and long-term corporate business plans, therefore shifting the focus from that of project assistance to one of sector building.

• (1510)

Along with these initiatives, Telefilm administers other programs ranging in focus from training and professional development to the advancement of minority involvement in the audiovisual industries. Combined, Telefilm's programs provide support to all components of the creative and commercial process, they facilitate new ventures between entrepreneurs and they promote cultural products domestically and abroad.

From what you have heard, it is apparent that Telefilm's involvement from creation to audience building in the major sectors of the audiovisual industry has allowed it to develop an expertise we must cherish and encourage.

There is no denying that Telefilm has been a key player in building a strong and viable industry for the long run. It has helped to develop world-class creators. It has allowed minorities to have a voice and to share their distinct cultures and heritage with the rest of Canada and the world.

It has supported young talent and provided them with the tools to build successful careers around their passions. Lastly, it has opened up the eyes and ears of the Canadian public to the rich and vibrant stories and sounds of our homeland.

Telefilm's successes have been Canada's successes and, as such, I urge you to join me in supporting Bill C-18 so that Telefilm can continue with its great work in fostering and building an industry that is essential to the strengthening of a nation, deepening our mutual understanding and contributing to our economy.

Hon. Tommy Banks: Honourable senators, may I ask a question of the honourable senator?

Senator Chaput: Yes.

Senator Banks: I apologize for not having read this bill before today. I enjoyed the honourable senator's remarks about Telefilm and, indeed, I share the high regard in which she holds Telefilm and what it has done in the past.

My question will be specific, but an answer at a later date would be quite acceptable. It has to do with the amendment to section 10(6)(a) on page two of the bill. The definition states:

(6) For the purposes of this Act, a "Canadian audio-visual production" is an audio-visual production in respect of which the Corporation has determined

(a) ...the copyright in the completed production...will be owned by an individual resident in Canada,...

Honourable senators, that could refer to a film, a television show, a sound recording or new media work. However, it does not say that it must be owned by a Canadian.

The second part of my question is the most important part. Paragraph (a) continues by stating that the copyright could be owned by a corporation incorporated under the laws of Canada or a province or by any combination of the above.

What gives me pause is that that could include a corporation that is incorporated under the laws, for example, of Alberta, or a federal corporation, the entire ownership of which may not reside in Canada or be Canadian of any sort.

Is that the intent of the act? That is to say, is its intent to allow foreign-owned corporations to benefit from the efforts of Telefilm, which might be perfectly all right? Is that the intent or is it, perhaps, an oversight?

[Translation]

Senator Chaput: Honourable senators, I will answer that question to the best of my ability. We may perhaps want to ask for additional information.

My understanding of the bill that we have before us today is that it simply reflects what Telefilm Canada has always done. Over the years, with changes in technology, Telefilm Canada, which initially dealt only with feature films, has been given additional responsibilities by different governments, in film, in video, in new technologies and in feature films.

Telefilm Canada will not change its way of doing business. If, so far, the point you raised has not been a problem, in my opinion, it will not now become a problem because nothing has been changed except for the fact that this bill, in any case, will give Telefilm Canada the mandate that it has always carried out.

In her recommendations the Auditor General drew to the attention of Telefilm Canada that everything it was doing conformed to the best public management practices, the financial statements were clear and accurate, its programs were run in accordance with its mandate, its agreements were perfectly proper, but, Telefilm Canada was going further than the law because they went beyond what the law allowed them to do.

This bill reflects the current situation of Telefilm Canada. That is the best answer I can give you at this time based on my knowledge of the bill.

[English]

Senator Banks: Has it been the case that, in the past, Telefilm's definition of an eligible corporation was only that the corporation be incorporated in Canada, or in a province, without reference to the ownership of that corporation? If that was so, will it continue to be so, and is it intended to continue to be so under the present bill?

I will assume that the honourable senator you will find out the answers to those questions and let us know later.

[Translation]

Hon. Jean Lapointe: Honourable senators, my first question is addressed to Senator Banks. Has Senator Banks seen...

The Hon. the Speaker *pro tempore*: I am sorry but the Honourable Senator Lapointe may not put a question to Senator Banks. He may only offer comments on the remarks made by Senator Chaput.

Senator Lapointe: I will ask my question another way. Is the Honourable Senator Chaput aware of a case where a foreign corporation received subsidies via a Canadian corporation to produce a film here in Canada?

Senator Chaput: No, not to my knowledge. Moreover, according to the Auditor General, the annual report of Telefilm Canada clearly reports what Telefilm Canada has done in terms of activities and programs. I am sure that if he consults the report of Telefilm Canada's activities, Senator Banks' concerns can be put to rest.

Senator Lapointe: I have a second question: Which committee will be examining Bill C-18?

Senator Chaput: It will be the Standing Committee on Transport and Communications.

Senator Lapointe: That is what I wanted to hear. In the year 2005, must we refer artistic matters to the Transport and Communications Committee? I have been asking for two-and-a-half years that the Library of Parliament Committee become a committee dealing with both the arts and the Library. Bill C-18 is being referred to the Transport and Communications Committee! I am opposed to that. Inside, I am fuming. After so many years, it is time that we had a committee on the arts. We cannot have a committee on the arts elsewhere. There is no committee for artists. We should establish one and join it with the Library committee that meets four times year.

Senator Chaput: I understand your point of view very well and my heart is with you.

Senator Lapointe: I wish your mind were also with me!

[English]

Senator Banks: Honourable senators, I wish to make it clear that, with respect to the questions that I asked, I never suggested that there was the slightest impropriety in the operation of Telefilm Canada, with which I used to have a great deal to do. I know how well they have managed the business that they have been given.

• (1520)

It has never occurred to me before, however, that the question of the ownership of a Canadian corporation might be absent in this act or in the one which preceded it. My question is limited strictly to that question. I am not suggesting the slightest impropriety in the operation of Telefilm Canada now, before or, one hopes, in the future.

[Translation]

Senator Chaput: I thank you for those remarks. In my opinion, it is always a good idea to ask the question, even if only as a precautionary measure.

On motion of Senator Tkachuk, debate adjourned.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to recognize the presence of a group of students from Curve Lake Secondary School near Peterborough. They are the guests of Senator Adams.

Welcome to the Senate.

Hon. Senators: Hear, hear!

[Translation]

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, An Act providing for the Crown's recognition of self-governing First Nations of Canada.

Hon. Aurélien Gill: Honourable senators, a few weeks ago, the Honourable Senator St. Germain, introduced Bill S-16.

The senator, like many others in this chamber, pointed out the many incarnations of government policy over the years. He reviewed the essential aspects of the Indian Act, the reserve system, the Indian registry and the issue of treaties and rights, from the Royal Proclamation of 1763 to the Constitution of 1982. The senator's presentation is invaluable for an understanding of where we are, but above all to see the direction in which we must go if we want finally to break with a past encumbered with paternalism, bad faith and misadministration.

In terms of what needs to be done to truly embark on a new future, I support what the senator said, but I would like to go still further.

The general intention, honourable senators, as we know and as some of our colleagues have recalled in this chamber, is the creation of responsible First Nations self-government. But more than that, precision is important and it encapsulates my firm conviction. The essential prerequisite is the emergence of new and original Aboriginal political institutions in which this responsible self-government will be conceived.

We must move towards the creation of a permanent representative assembly of First Nations to ensure that our

interests are handled politically within our nations, coming together in a political forum that does not exist at present. There is a link missing in the chain. In order to found new institutions, we need a founding body that belongs to the First Nations themselves.

I am personally convinced that the current Assembly of First Nations must metamorphose into a kind of political assembly that will hold an estates general out of which our new political institutions will emerge. This permanent assembly of the government of the First Nations which our leaders would like to have must be interpreted, viewed and accepted as part of the inherent rights of our nations, as provided for in the Constitution of our country.

You cannot make something new out of something old, especially where history has served us First Nations people so ill. I know that it is difficult to break with and forget the old ways of thinking. It is unfortunate to see that people still say "First Nations" when they refer to a band, thinking of band councils, Indian reserves and other similar terms. People in English Canada often say "the band." It is no longer possible, to the point of becoming exasperating, to use these old concepts to attain new realities. If the term "First Nations" merely replaces the expression "Indian reserve," we are starting out on the wrong foot.

Accountable government, good governance, self-government, all these new concepts cannot refer to a band council, even to the concept of a band council.

I know whereof I speak, as I was Chief of the Pointe-Bleue band. This — wrongly named — political structure has always been, it must be said, an administrative branch of Indian Affairs in Ottawa, where all the money, all the power and all the policy were concentrated. Throughout history, these band councils, created by and described in the Indian Act, isolated, divided and scattered our peoples in so many small communities.

[English]

The federal concept of "band," as defined by the Indian Act and as administered for generations by a non-Indian bureaucracy, killed the concept of "nation." Because we became bands under the law we were no longer people.

[Translation]

I personally experienced, in the 70s, the period of taking charge, the era when the federal government wanted to transfer to the band councils direct responsibilities for administering services on the Indian reserves. It was a special present, to put it mildly. The councils were often not ready to receive these budgets and obligations, and above all the structure was not appropriate — and it never will be. A band council, in the meaning given to it, is not a general government. The intention was to make these local agencies of Indian Affairs the autonomous governments of isolated villages. More recently, things reached the point where these councils were considered entirely responsible for their administrative debacle. Facile accusations are levelled at the members of First Nations that they were responsible for this debacle. They talk of governance without taking into account the ungovernable.

The band councils did what they could. They dealt with a situation that was imposed on them. The councils picked up the pieces — as they have always done. Far be it from me to denigrate the band councils in general, but even the best band councils cannot give what they do not have: a genuine political dimension at the national level. Nor do they have the legal framework to do so.

I say simply but in all seriousness that our new political institutions must or will have to distance themselves from the existing structures, all of which are related to this paternalistic, infantilizing federal system. Our communities must rediscover their identity, their confidence and their political maturity.

• (1530)

Our communities are no longer camps numbered in Ottawa by bureaucrats who, for so long, were able to get away with not knowing that an Indian reserve had a cultural affiliation. The autonomous, responsible, accountable government that we are all seeking is not, therefore, that of a band or a group of bands. We will all have to relearn how to talk about local communities or groups of communities, but above all about peoples and nations. The original political institutions that we are seeking must make reference to the founding nations and must be applicable to the realities of First Nations. These institutions must reinvent the notion of local, regional, national and intergovernmental democracy. Our nations, which have been ignored for centuries, separated by provincial and territorial borders, buried under structures that do not recognize them, must be reborn in a country that has done everything, consciously or unconsciously, to erase them from the map.

How many First Nations are there in Canada? I do not know. The Erasmus-Dussault report, which examined this question in 1997, estimates that there are about fifty. The mere fact that we no longer know how many there are and will have to re-establish this is a good indication of the extent of the damage done to us by government policy over the generations. There are over 600 Indian reserves; this we do know, but which nations they belong to, we no longer really know, at least not with any precision. They straddle provincial borders; sometimes they are extremely small, sometimes big. Each one has its own history, but they all have in common the Indian Act, assimilation policies and exile in marginalization. As a result, I believe that, despite wishful thinking, the efforts made, the rhetoric and the good intentions, the time has come to wipe the slate clean and start anew.

Honourable senators, for years now governments have been ignoring our political leaders, considering them more as advisers, consultants or what have you. Our political leaders do not have any power in Canadian politics. Both federally and provincially, this is truly absurd, considering how fed up we all are with consultations, studies and study findings. My colleague, Senator St. Germain, has stressed this himself: enough studies, now we need action. From now on we need political will, along with recognition of the political actions of the First Nations. What is required therefore is innovation, invention and new political institutions that reflect what we are and what we want to be. This will not be done overnight. I think we need to encourage the

creation of a permanent First Nations assembly, the general mandate of which would be to design the appropriate political institutions, tailored to the needs of all the First Nations of Canada.

This constituent and founding assembly should have all the time required, years if necessary, and all the resources and means at its disposal to achieve its goals. It should be absolutely, entirely and fully under the control of our leaders, whose task it would be to invent the world of tomorrow while meeting all the challenges there are in our communities. Given the very small extent to which it has been possible to adapt existing Indian Affairs legislation and practices, clearly this process would definitively sound the death knell for the system as we know it. It would ring in a new era. This is a major challenge because it affects everything. Everything will have to be rethought. Senator St. Germain's work on Bill S-16 is clear evidence of its complexity and difficulty. However, I see his proposal as just one example, one model among many, for we really need, as I have said, is to go back to square one ourselves, without any reference to the present institutions. This will be quite an undertaking, but do we have any choice? We must look at the representativeness of the national First Nations government, and the governments of each nation. We must, I repeat, start with the people, not the bands or communities, and to think in terms of nations. We need to create these new political institutions and then we would be able to talk seriously about an Aboriginal government and Aboriginal governments in this country.

There are the issues of land, resources, revenues, tax bases, public funds, equalization with the federal government, agreements with the provinces; in short, issues of financing and viability. There are also all the issues related to good governance: budgets, public health, culture, social affairs, justice, public safety, education, economic development and intergovernmental affairs. And then there are the Charter, the Constitution and redesigning the Canadian political landscape, because all of this is happening within today's Canada, consistent with the Constitution in which our rights are enshrined.

Honourable senators, you can see how ambitious my proposal is. Year in and year out, for countless years, aboriginal matters have been costing billions of dollars, and everyone keeps saying those dollars are badly spent. The Erasmus-Dussault commission foresaw this. Let us give the money back to those who are entitled to it, who will make better use of it; that is, a genuine Aboriginal responsible government, but first and foremost, let us ensure that such a political institution exists. It will be up to that government, with its leadership and its various levels, which does not yet exist, to set its own goals and methods, its priorities and decisions. With such responsible governments, we will have the ability to take back all our responsibilities. It is the only way.

For 30 years, we have been moving forward case by case through a costly process of legal quibbling, nation by nation, sometimes village by village, which is very unfortunate, but a model is finally taking shape — specific agreements which each aim at self-government for the nations involved. And so, rather than continuing to take each of these steps in isolation, rather than beginning anew each time, with the pace varying across Canada and no end in sight, let us do it once and for all, because our rights are not subject to discussion; our existence has been recognized. There are no further arguments to add.

Of course, I repeat, the last stretch will be the most difficult for everyone. It is not up to the federal government or any existing government to build the new Aboriginal political reality; it is up to the First Nations themselves. No law can miraculously bring about what must take time to develop under legitimate conditions. It is not the task of the Senate, the House of Commons, a minister, or even a first minister; it is totally up to the First Nations. I therefore come back to my proposal: we have to give ourselves the time, conditions and means to develop new political structures that will enable us to truly talk about First Nations self-government in this country. These structures must not, in any way, be the product of existing structures. They must be designed by the First Nations themselves, the product of a monumental process over many years, which has not yet taken place. That is why I am talking about a permanent assembly, or a commission, without a fixed timeframe, mandated to deliver an original proposal. The First Nations, through their leaders, may well decide on the national forum provided by the Assembly of First Nations to create this government or an alternative. This is not to take anything away from the merits of Senator St. Germain's Bill S-16; I simply find that it does not come from the right authorities.

• (1540)

Furthermore, it does not distinguish itself sufficiently from the traditional structures that are the heritage of Indian Affairs and the Indian Act.

Lastly, it is up to Aboriginal thinkers, to the leaders of the nations and to a broad range of minds to agree on a general institution that will ensure a place for the First Nations in the political landscape of Canada.

We have done everything to achieve a synthesis, whether it be the old treaties of alliance and friendship, the territorial treaties, the modern treaties; whether it be the rights of the Métis, the Iroquois, the Nisga'a, the Inuit or the Malécites, from north to south, from east to west. It is high time to reunite what should be reunited, to bring together what should be together.

Honourable senators, let me conclude by repeating to you my conviction that if there were a firm will on the part of the members of this chamber and of the other place, to change radically the way we think and act towards the First Nations of this country, we could greatly help the First Nations to establish their own formula of governance, and thus enable these First Nations to emerge from this marginality, to participate fully in the development of our country.

[English]

Hon. Gerry St. Germain: I should like to congratulate Senator Gill because he brings a host of experience to this subject.

[Translation]

I have a question for Senator Gill. Do you think that this is a first step towards beginning the debate?

[Senator Gill]

[English]

Every giant journey begins with a single step.

[Translation]

You talk of nations instead of bands, et cetera. Could we begin the debate in committee in this way? Do you consider it important? Do you think that we have at least a chance of going further if we refer this topic to committee and continue the discussion?

Senator Gill: Honourable senators, we have always tried to take things in small steps. We have tried to climb the stairs gradually. One basic element is missing, and that is the official recognition of institutions or of Aboriginal citizens as full citizens. As long as the Indian Act exists in its present form, the First Nations will be considered minors. This is something on which everyone can agree, and in particular those in the legal field.

As long as we do not have official recognition, even if it is not legal or enshrined in the current legislation, let it at least be enshrined in our heads, in our minds, in our attitudes, and say that an Indian is not worthless because he is an Indian.

I am not saying that that is everyone's opinion, but it is the opinion of a good proportion of the population that an Indian should live on a reserve. You all know the adjectives that are used to describe them. We have to change our use of the word "band," which is itself a pejorative term. You talk about "a band of wolves," "a band of animals," but not "a band of people" or "a band of Indians." It makes no sense. These things have to be changed so that we can move forward.

We have to give things a huge push, otherwise the mistakes of the past will be perpetuated. As a general rule, the efforts that have been made are laudable. We have to continue taking small steps, but a huge push is what is needed.

Senator St. Germain: Honourable senators, how can we do that? You say that Aboriginal people are minors, but how can we change that perception? Does it take a duly constituted Aboriginal assembly? Do you have any suggestions?

Senator Gill: Over the holidays, I was invited to speak to a committee organized by the First Nations. I spoke to my Aboriginal colleagues. I suggested that this assembly be constituted and that we muster the determination to assert ourselves in the eyes of Canadians in general.

We must assert ourselves as a nation, as a people and act accordingly, in other words, demand that space be created. The First Nations must be told that this is their home and that they must assume their responsibilities. We have to start somewhere.

It is with the Assembly of First Nations, with the Inuit Assembly, and with all the existing organizations that, for once, we must make an official declaration and say that we are full citizens, that it is accepted, that the necessary spaces will be created and that we will have help to reach our goals and to become full citizens. Aboriginal people themselves must acquire institutions capable of governing themselves, asserting themselves in Canada and contributing to the development of Canada.

Senator St. Germain: If the debate continues on its present course, there is at least a chance. If we say nothing and do nothing, there will be no debate and no response.

I understand the importance of what Senator Gill is saying. Lawyers are costing our Aboriginal peoples millions of dollars. Bill S-16 introduces various aspects and I wanted to begin the debate, as we are doing now.

I would add that in my view, people like Senator Gill are the ones who should take the lead and speak to the assemblies.

Senator Gill: Honourable senators, the people or the representatives of the Aboriginal leaders could do the same thing. The Assembly of First Nations, the members, the chiefs and the representatives meet only two or three times a year, for a few days, to settle the complex problems facing the Aboriginal nations of this country. This makes no sense.

The Senate, the House of Commons and all the provincial legislatures debate for months to find solutions to problems. The Aboriginal people do not have that opportunity. We try to solve the problems in their stead. That is why I am so reticent and my leader may find me somewhat tiresome.

I would like us to make an effort in the Senate to give the Aboriginal peoples the opportunity to discuss their affairs in an assembly where they can suggest solutions, rather than have these come from the initiatives of the Senate or of the government. That is what I would like.

I am convinced that with this approach — if the means to implement it were found — solutions could be reached and we would not have the same problems in ten years time that we have today. But someone has to take a stand, so that the Aboriginal people can have representatives to discuss their affairs. We do not have this possibility at this point, but I am convinced that the leaders would accept if favourable spaces were created. I guarantee you that we would not have the same problems in ten years' time.

[English]

Hon. Charlie Watt: Honourable senators, as you can see, the subject matter brought forward by Senator Gill is not easy to deal with, and the complexity of the matter requires a great deal of work and attention.

Honourable senators, there is a definite need for local political development, a definite need for regional political development, a need for provincial political development and also a need for national political development within Aboriginal society. This area has been touched upon from time to time. We have tried many different solutions, such as dealing with the Constitution back in 1982 and the subsequent Meech Lake and Charlottetown accords, attempts to get into the grassroots of those areas so we could begin to raise matters that could be beneficial to Aboriginal people and the country as a whole. Until now, we have not succeeded. If we continue the way we are going, we will not succeed. Economically, Canada will hampered every step of the way.

As I recall, the senator across the aisle mentioned the cultural issue. There is money in that option, an economic side that has not been examined.

• (1550)

Today, governments are hesitant to talk about sovereignty. Why is that so, when we all know that we have to share the country? Everyone is afraid to talk about jurisdiction and powers, just as everyone is afraid to talk about the national deficit, that is, the deficit in the sense that Aboriginals are the ones who are being left way behind.

I believe that is what Senator Gill is addressing. Aboriginal people must be given opportunities. We must not be excluded from the system. The system, in some way, has to participate in what we do at the local level.

Who is the authority? Where do we seek consent? We have our own political institutions such as the Assembly of First Nations, ITK, and various regional organizations which are incorporated under Part II of the Canada Act, not the Indian Act or any other act. Therefore, those political institutions are not a political institution per se. The act itself states that they must be non-political and non-profit. The question is: What are we? We do deal with political issues from time to time.

Aboriginal people need a genuine political instrument to come at least halfway to see whether they can survive with their counterparts. That is what the Aboriginal people are asking for. We are not asking for special treatment. We are asking for acknowledgment of what is contained in the Constitution. Let us move ahead and implement that. If we only deal with it on a piecemeal basis, as we have been doing over the years, we will not get there. We have looked at the big picture to see what we can do to improve our relations, our economy, and the social fabric of the people so that we can live harmoniously with one another and that respect can be restored.

Let me give the example that I always use. Under the James Bay and Northern Quebec Agreement, our ability to be a hospitable people has been taken away. We cannot give fish or caribou meat to anyone because it is illegal. Is that right? I do not think so.

Honourable senators, I would like to go on and talk about those things because much can be said. We have to talk about the civil law and the common law. Where do we fit in? How do we transact? We must deal with all of those areas.

Honourable senators, I would ask that the debate be adjourned in my name so that I may have an opportunity to highlight some of those areas.

On motion of Senator Watt, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. John G. Bryden moved the second reading of Bill S-24, to amend the Criminal Code (cruelty to animals).

He said: Honourable senators, Bill S-24 increases the maximum penalties which a court may impose for offences under sections 444 to 447 of the Criminal Code dealing with animal cruelty, otherwise, the code is unchanged.

Before I go further, I would point out that that is one of the reasons this booklet containing the bill is constructed in the manner it is. The explanatory notes on pages 1A and 1B at the back set out the Criminal Code as it is now, with the penalties as they are now. This makes it easy to compare the changes proposed by this bill. Only the penalties will change. The sections that create the offences will remain exactly as they exist and have existed for a long time. That is a significant point.

These sections and the offences under them have evolved over many years, some of them from the common law before there even was a code. Undisturbed, these sections have the great advantage of having been used and interpreted many times and have left a trail of legal precedents that are accepted by and instructive to present day judges, enforcement officers, prosecutors and all members of the public in regulating our treatment of animals.

I have introduced this bill now because of the recent history of this issue. Over the last three years, Bills C-10, C-10B and C-22 dealing with cruelty to animals have been introduced into Parliament, and it is likely that a fourth bill will be introduced in this Parliament.

When each of the bills was introduced, we were told by Ministers of Justice and several senior officials from the Department of Justice that the purpose of the proposed amendments was very limited; namely, to increase the penalties for existing offences and to simplify and rationalize the existing law.

Ms. Joanne Klineberg, a lawyer with the Criminal Law Policy Section with the Department of Justice said:

The main thrust was increasing penalties, but as well there are certain elements of the existing regime that are complicated and not as clear as they could be. The other guiding principle was to clarify these things so that everyone could have a better understanding of what the law actually required.

We were told repeatedly that what is lawful today will be lawful under the proposed measures in the bill. We were told this, for example, by then Justice Minister Cauchon on November 20, 2002 and on December 4, 2002 by Mr. Richard Mosley, then the Assistant Deputy Minister, Criminal Law Policy and Community Justice Branch, and now a justice with the Federal Court of Canada.

Upon examination, it was the opinion of a number of us in this chamber and of many expert witnesses who appeared before the Standing Senate Committee on Legal and Constitutional Affairs that those bills went much further. Those bills made substantive changes to the criminal law. Even if those changes are appropriate or indeed necessary, the public policy of those changes was never

openly debated, nor was the impact and implication for the people most directly affected ever tested. For example, evidence before our committee indicated that no consultation occurred with Aboriginal peoples, as is required under the non-derogation clause in the Constitution.

I believe that my bill could achieve the principal objective of the government while avoiding the problems. To understand why I chose the approach reflected in my bill, one first needs to understand the problems with the government's bills. For clarity I will use Bill C-22 as my reference point, the last such bill introduced by the government in the last Parliament. Like its predecessors, it moved the sections on cruelty to animals from the Crimes Against Property part of the code to a new part of the Criminal Code, Part V.1, entitled "Cruelty to Animals." It then sets out the offences of cruelty to animals in three main sections.

• (1600)

Honourable senators, a number of us — and a number of witnesses who appeared before the committee — were concerned about the potential impact of moving these sections to this newly created part of the code. Professor Ruth Sullivan is an expert on statutory interpretation, with years of experience teaching statutory drafting and interpretation at the University of Ottawa Faculty of Law and with years of drafting experience at the Department of Justice. She testified:

Mr. Chairman, I was invited to address two issues. One is whether moving a provision from one section of the code to another, or one part of the code to another, could have legal significance. The short answer is, definitely. Where you place a provision in a legislative scheme naturally colours its interpretation.... Moving things from one part of the code to another can make quite a significant difference.

She later elaborated:

I think of law as being broader than the rules set out in the code. It is also how they are applied and interpreted. You are signalling that attitude by moving it to a new section. You are saying, "We will take a different attitude towards this." Even though the words remain the same, we might interpret it a little more broadly than we did before.

I should note that Ronald Sklar, a professor of animal law at McGill University, agreed completely with this statement by Professor Sullivan.

Mr. Gerald Chipeur, a lawyer who specializes in constitutional law and who is well known to many of us, noted that the new part for cruelty to animals was to be placed directly after section 182 of the Criminal Code which deals with the treatment of dead bodies. Mr. Chipeur said:

If I were a judge and wanted to engage in some mischief, I would say that section 182 deals with dead bodies and that, although dead bodies are not property, they are not human beings, and so they have some special status within our society. In placing section 182.1 [cruelty to animals] and following right after section 182, Parliament was intending

to create some special status for animals that derogates from their former status as property. I think even Professor Sklar would admit that the intent here is to upgrade the treatment and status of animals within our society.

Honourable senators, my training as a lawyer ingrained in me the principle of statutory interpretation that Parliament does not act without a purpose. If we were to pass an amendment moving these provisions from one part of the Criminal Code to another, the implication would be that there is a reason. Just as there are no rights without a remedy, it would not be unreasonable or far-fetched for someone to argue persuasively that consequences must have been intended to flow from such a change.

Ms. Bessie Borwein, Special Advisor to the Vice-President of Research at the University of Western Ontario, has had a great deal of experience with animal rights groups. She told the committee:

I and all the researchers I know approve of much in the bill and wholeheartedly support increasing the penalties for wanton cruelty to animals. However, it is our contention that in order to do this, it is not at all necessary to move the cruelty to animals provisions out of the property section in the Criminal Code. The worry that researchers have, and that one hears so often, is not the bill itself but the context in which we function and where the bill stands....

I have been following and documenting animal rights extremism for 20 years — its history of arson, break-ins, vandalism, razor-bladed letters, theft of research animals, harassment — even at people's homes — costs in dollars, threats and intimidation. This has become a matter of grave concern for researchers, in certain domains in particular. Millions of dollars of public money have been spent on security, which does not further education, research or patient care....

There are animal rights groups in Canada that have specifically and publicly stated their intention to use Bill C-10 —

— which is the number it had at the beginning —

— to further their agenda. They say they will use the law to press charges and to test it to the utmost. They will use peace officers or authorized organizations like the SPCA or humane societies sympathetic to their cause in order to press this....

We know there are many bona fide animal welfare organizations, which we need. However, some of them have been radicalized and taken over by extremists, and many of them feel vulnerable to that pressure.

Ms. Borwein asked the committee "to very seriously consider reinstating the crimes against animals in the property section of the Criminal Code, as it exists in many jurisdictions." She explained:

The move away from animals as property must have ideological meaning in the animal rights philosophy and mindset because it is part of their campaign to move animals toward what is called "personhood." In fact, they have written that this bill heralds the emancipation of animals.

Honourable senators, I cannot stand here and tell you that Ms. Borwein is right and that by simply moving these provisions to a new part of the Criminal Code that specifically and expressly addresses cruelty to animals we would be opening the door to creating a brand new status for animals in our legal system and inviting claims for animal rights. However, given the testimony of one of our leading experts on statutory drafting and interpretation, who trained many drafters in the Department of Justice, and hearing about the on-the-ground experience of a researcher at a well-known Canadian university, among other testimony on the issue, doubt was raised in my mind that this may not be a simple, benign or neutral act. Indeed, the creation of this new part alone may change the law.

Honourable senators, I will speak to an analysis of the offences as set out in the previous proposed legislation, Bill C-22. For the first time, the bill would have included a definition of "animal." Section 182.1 provided that "animal" means a "vertebrate other than a human being." This in itself would seem to broaden the scope of the offences significantly from the existing law. Section 182.2 of Bill C-22 addresses offences committed wilfully and recklessly. Most of the offences under this section can be traced back to the existing code. However, paragraph (c) creates a new criminal offence. Section 182.2 states:

- (1) Everyone commits an offence who, wilfully or recklessly,
- (c) kills an animal without lawful excuse.

Under the Criminal Code today, it is an offence to wilfully, and without lawful excuse, kill a dog, bird or animal that is kept for a lawful purpose. However, wild animals are deliberately not within the spectrum of the offences. This would be a new offence under our criminal law. Many of us were concerned about the impact of this provision on those Canadians who hunt or fish lawfully, under today's law, with valid provincial hunting or fishing licences.

As I said in this chamber on November 4, 2003, the courts have said that the phrase "without lawful excuse" only means that an accident, duress or mistaken fact are implied by that phrase at common law. The phrase has very little significance, according to the courts, unless Parliament specifically indicates that it has a particular meaning. The case law further indicates that the possession of a permit or licence issued by a provincial government does not constitute a lawful excuse.

• (1610)

Honourable senators have heard about this a number of times over the history of these bills, so I will not repeat the case law now. However, no less a court than the Supreme Court of Canada has held in the *Jorgensen* case that the approval of provincial authorities does not constitute a lawful excuse under the Criminal Code. Indeed, this was admitted by officials from the Department of Justice. Ms. Klineberg said:

You are absolutely right in your understanding of *Jorgensen* that the piece of paper that comes from the province is not, in itself, a legal excuse.

Honourable senators, I listened closely to the testimony from several Justice officials on this point. They appeared to me to be saying that what is really at issue are not traditional hunting practices, but vicious or brutal killing. For example, during an exchange on this issue of whether a provincial statute or licence would be considered an excuse for the purpose of the provisions of the bill, Rick Mosley said:

This is aimed not at the type of practice to which the honourable senator referred but to the cases you have all read about in newspapers in recent years. For example, someone on the St. Lawrence decided to get rid of an unwanted dog by bashing it on the head and throwing it into the river.

Virtually every group that has commented on this legislation has agreed that the existing penalty structure is inadequate for these offences and that there is a need to provide for longer terms than the present summary conviction maximum of six months.

This goes to the moral culpability of the individual. With the greatest of respect, I cannot see how viciously, brutally and without any justification whatsoever killing an animal in any way accords with traditional hunting or fishing practices.

Honourable senators, I would have no problem whatsoever if the proposed provisions only had prohibited vicious and brutal killing. My difficulty is that, as drafted, the section goes much further. Paragraph (c) makes it a criminal offence to wilfully kill an animal without lawful excuse, period. Indeed, paragraph 182.2 (1)(b) is the section of Bill C-22 that would have prohibited vicious and brutal killing. It read,

(1) Everyone commits an offence who wilfully or recklessly

(b) kills an animal or, being the owner, permits an animal to be killed, brutally or viciously, regardless of whether the animal dies immediately.

Honourable senators, the bill already would have made it an offence to kill an animal brutally or viciously. Why, then, paragraph (c)? Why is it included? If I were a judge, I would have to say that Parliament intended to cover something more than brutal or vicious killing. I believe there is a real possibility that our current hunting and fishing practices would have been at risk under this bill and contrary to what we were led to believe, what is lawful today would not necessarily have continued to be lawful under the bill.

Another section of Bill C-22 that caused me concern was section 182.2 (1) (a). That section would have provided that everyone commits an offence who "wilfully or recklessly, causes or, being the owner, permits to be caused unnecessary pain, suffering or injury to an animal."

Honourable senators, could someone engaging in "catch-and-release" fishing be said to be wilfully causing unnecessary pain, suffering or injury to a fish? Remember the definition of "animal" includes a fish under this bill. Some animal rights activists are adamantly opposed to "catch-and-release" fishing. The American organization, People for Ethical Treatment of Animals, or PETA, has a website — www.FishingHurts.com — where they say, among other things, that:

Catching fish is cruel and unnecessary, whether they are killed on the spot or thrown back in the water, injured and exhausted.

PETA is an American-based organization but it has not stopped its activities at the border. In August 2003, they sponsored a billboard in St. John's urging people in Newfoundland to stop catching and eating fish. Honourable senators, after taking on the people of Newfoundland and Labrador and trying to convince them to stop catching and eating fish, I think a legal challenge to "catch-and-release" fishing would look easy indeed.

Senator Rompkey: Can we breathe?

Senator Bryden: We also heard testimony that the bill, as drafted, could be used to prosecute those engaged in "catch-and-release" fishing. In this regard, Gerald Chipper stated:

Let me given you a few examples of how the first three subsections of 182.2 could be, and most certainly will be, misused if this amendment is passed as written.

...

Fly fishing and other forms of fishing where you have catch and release would be at risk. I have the most recent *Fish Magazine*. They encourage all fishers to release. Catch and release is an important part of stewardship and maintaining the environment. If you read these sections, it is clear that if you are fishing for pleasure and you cause harm to that fish by snagging it with that hook and then throwing the fish back alive, you simply did that for your own pleasure. There is no lawful excuse for doing that, no excuse that would stand up in court.

Say goodbye to the Calgary Stampede. No doubt about it. I came from a program at the Hyatt in Calgary. There was a dog show there. I could not give an opinion to a dog show that they would not be prosecuted for what they would be doing.

He was referring to the passage of this amendment. That comes from the testimony of the Standing Senate Committee on Legal and Constitutional Affairs, February 26, 2003.

Again, honourable senators, the main issue for me right now is that the bill went further than simply increasing penalties and modernizing language. It was absolutely not clear that what is lawful today would have been lawful under the bill. My analysis, and that of eminent lawyers in the field, suggest that the bill would have criminalized certain activities that are lawful and, in fact, quite common today.

An interesting statistic that I discovered in the course of preparing this speech is that twice as many people fish as play hockey in Canada. My apologies to Senator Mahovlich and some others who feel that hockey is our real national sport. I suspect the figures may be different if one were to speak of watching the sport on television.

Honourable senators, the more I analyzed the provisions of the proposed legislation, the more problems I found with them. Professor Gary Trotter, former prosecutor and now professor of criminal law at Queen's University, appeared in his personal capacity in front of the Standing Senate Committee on Legal and Constitutional Affairs. He summed up the situation well:

As I understood it, there were two points to this bill that the Department of Justice explained. The first was to increase penalties in response to certain horrendous and publicized events regarding animals. That is a value judgment made by the Department. That is fine.

The problems with this legislation are taken up in the Department of Justice's second objective, which is to try to simplify and rationalize the offences. That would seem simple given that there are only a couple of sections in the Criminal Code with which to tinker.

However, it is not so simple because the Department of Justice had to negotiate an irony here. We have animal cruelty provisions that operate in an environment where society accepts a certain amount of killing of animals, sometimes even for sport. Killing animals is justified in certain circumstances. We operate in an environment where animals are killed for other types of greater good reasons.

The Department of Justice has not put forward a package that allows proper negotiation in this environment. People are entitled to know in advance whether their acts will be criminalized. In my respectful submission, this bill is problematic because it does not guarantee that assurance.

I have two more quick quotes from eminent witnesses who spoke of the real potential that the bill was exposing currently lawful activities to charges of criminality. The first is from Mr. Seth Weinstien, who appeared on behalf of the Canadian Council of Criminal Defence Lawyers:

The concern that we have with the proposed legislation is, notwithstanding the Department of Justice's assurances that what was lawful will remain lawful, the way in which the legislation is currently drafted. It brings profound changes that expose both animal-dependent communities and those with domestic animals to unfounded charges that they would not otherwise be subjected to under the current legislation.

• (1620)

Finally, Mr. Chipeur again:

We are walking into unknown territory. We do not know where we are going. I am convinced that those who do not have your goodwill in mind will use this to abuse their fellow

citizens in an unfortunately misguided effort to try to ensure that there is humanity. We all agree that cruelty to animals is terrible and the current Criminal Code prohibits such cruelty. That is all you need.

Honourable senators, I agree. I sat through many hours of hearings on this issue. I did not hear any examples of acts of cruelty to animals that would not be caught by the current provisions of the code. We simply do not need to amend the substantive provisions in order to prosecute the terrible acts that so horrify all of us.

In my amended bill, we go from almost all the penalties being by summary conviction with a maximum of six months to five years on an indictment and on summary conviction a \$10,000 fine and or six months. Absolutely, we need stronger penalties. That is what Canadians want and expect. However, it would be wrong under the guise of a bill to increase penalties and do some minor housekeeping of language to then significantly change the criminal law. That is back door legislating, honourable senators, and that is wrong.

The bill I am putting forward today would leave the substantive provisions of the code intact — ensuring that what is lawful today would continue to be lawful — but would increase the available penalties to the levels proposed in Bill C-22. It is short and to the point. My hope is to facilitate an end to the situation in which we find ourselves, to propose a solution that cuts to the heart of our real objective in a way that, I hope, we can all support so that Canadians' real objective — making the punishment better fit these crimes — can be achieved as quickly as possible.

I hope all honourable senators will join me in supporting this bill.

On motion of Senator Stratton, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

FIRST INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE

On the Order:

Resuming debate on the consideration of the third report (first interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*, tabled in the Senate on November 23, 2004.—(Honourable Senator Callbeck)

Hon. Catherine S. Callbeck: Honourable senators, I would like to bring your attention to the reports tabled in the Senate by the Chair of the Standing Senate Committee on Social Affairs, Science and Technology on mental health, mental illness and addiction.

The committee has learned a great deal about mental illness and addiction since starting the study. Mental illness and addiction affect one in five over the course of their lives, ranging from short-term anxiety or crisis to enduring and serious mental illness.

Those aged 15 to 24 are more likely to be affected than any other group. In addition, the prevalence of mental disorders among seniors in nursing homes and long-term facilities is very high. The prevalence of mental disorders among Aboriginal peoples, homeless people and inmates is much higher than in the general population.

Mental illness can affect people across the country, young and old, from all walks of life. Mental illness and addiction rank first and second as causes of disabilities in Canada. It is no surprise that the economic impact of mental illnesses was estimated to be more than \$14 billion in 1998. That is through direct health care costs like physicians, hospitals and medication, and indirect costs like lost productivity for long- and short-term disability. In addition, the cost of substance abuse was estimated to be nearly \$9 billion in 1992 through direct health care costs, as well as lost productivity due to illness and law enforcement.

Individuals with both mental health and an addiction have specific needs. Both disorders need to be treated together in an integrated way. Most government addiction services have now become part of community health and social services delivery programs. That is the case in my home province of Prince Edward Island. We are now more aware of the need to integrate alcohol and drug services not only into the mental health care system, but also into our broader social support services.

Although we have studied the mental health care situation here in Canada, as well as the progress being made in other countries, there is still considerable work left to be done. The committee heard over and over again about the very real challenges facing those suffering from mental illness and addiction, and their families.

The committee's initial findings from these public hearings have been released as three reports. The first report, entitled *Mental Health, Mental Illness and Addiction: An Overview of Programs and Policies in Canada*, begins with the personal stories of people living with mental health illness and addiction, and their families. The report then examines the current state and delivery of mental health services and the provision of addiction treatment in Canada.

The second report, entitled *Mental Health Policies and Programs in Selected Countries*, compares the structure and funding of mental health care in four countries — Australia, New Zealand, England and the United States — and points to some important lessons that we can learn from these countries.

The third report, entitled *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*, contains a series of questions and options for action that need to be addressed in order to improve the delivery of mental health services and addiction treatment.

A number of issues and options are up for discussion. During its first consultations, the committee heard over and over again about the fragmentation and the lack of integration in the mental health care system across Canada. Some collaboration does exist,

such as the partnership in Prince Edward Island between the province and the Canadian Mental Health Association. However, in many areas nationwide, there are so many different players involved that it is a very difficult task to get everyone working together and even more difficult to follow patients.

The whole mental health care system is a complex array of services delivered through federal, provincial and municipal governments, as well as private providers and non-governmental organizations. The committee heard that what is needed is a more seamless transition between each service. This would involve making sure there is coordination of all the various services and supports needed by the people living with mental illness or addiction. The person can then move through treatment and discharge, through to skills enhancement, then to housing and employment.

There is a desperate need for a patient-centred system that focuses on each individual's recovery and creates a personalized care plan.

This fragmentation also makes it difficult for care providers to address those with more complex needs, such as mental health and addiction. They can be so closely intertwined that both must be addressed simultaneously and require major intergovernmental and cross-sector action.

With input from the various stakeholders, the committee hopes to offer recommendations on how mental health services and addiction treatment can best be integrated and how these can then be integrated into the health care system as a whole.

• (1630)

The committee was also told that, in addition to intergovernmental collaboration, Canada needs to develop a comprehensive national plan on mental health, mental illness and addiction to ensure successful reform and restructuring nationwide. Some provinces have already focused on reforming the system, and progress has been made in various places across the country. However, different provinces and territories are at different stages of reform in their own systems.

There is a clear need for leadership if Canada is to move forward in ensuring uniformity and equity in service provision. The committee will investigate the potential of a national action plan, and define the roles and responsibilities of the various levels of government and organizations involved.

Since the provinces and territories have the major responsibility for the delivery of services for mental health and addiction in their particular jurisdictions, a great deal of effort must be devoted to intergovernmental consultation, partnerships and collaboration in creating a national strategy. Any consideration of a federal role cannot reduce the primary provincial responsibility for the design and delivery of programs for individuals with mental illness and addiction.

Some provinces have already made strides to reform these programs under their jurisdiction. In 2002, Prince Edward Island released its own model for mental health service delivery.

Every year in my province, about 4,000 people receive care through community-based organizations in the mental health system. In addition, approximately 1500 more are treated in an institutional setting.

Since the model's release, the province has implemented a number of initiatives focusing on service and supports for those with persistent and serious mental disorders. They have begun outreach services and a crisis response program for those individuals experiencing acute mental distress. They have also initiated a telemental health service, a 24-hour crisis response line which provides support and refers clients to P.E.I. mental health programs.

P.E.I. is currently engaged in policy planning and programming for seniors and children, as well as those individuals suffering from concurrent disorders. They are working closely with the Canadian Mental Health Association to help address support needs, such as housing and employment, for those with mental illnesses. They have also begun work on a suicide prevention plan for the province. They are clearly making progress.

The committee also heard about the tremendous impact of stigma and discrimination. For many individuals, stigma can cause as much stress as the disorder itself. Stigma may discourage people from seeking the treatment they need, which leads to underfunding of treatment and support services.

Such stigma and discrimination can be so much more damaging in rural or remote communities. In areas with smaller populations, individuals may be less likely to come forward to seek the necessary treatments. It may be difficult for those suffering from mental illness or addiction to admit their need for assistance. Family and friends may shield the individual, further discouraging them from seeking treatment.

Combating this kind of stigma and discrimination will require a broad effort over a long period of time. Other countries, such as Australia and the United Kingdom, have already implemented some educational programs. In Australia, journalists are taught about mental disorders, and in the U.K. a group of affected individuals has been trained to speak to the media.

Canada must do its part to enable those living with mental illness and addiction to receive the treatment they require without adding the strain of stigma. We must ensure that consumers are able to access services such as housing, employment and education without fear of discrimination due to their disorders.

The goal of the committee's study is to make a real difference in the range, quality and organization of mental health and addiction services in Canada. Although improvements have been made, we must ensure such programs and services are available to all Canadians across the country. Collaborating with various levels of government, the Government of Canada will be able to create a plan for reforming and restructuring mental health services in this country. I believe that, by working together, we can make a difference in the lives of the tens of thousands of Canadians who are living with mental illness or addiction in their families.

The Hon. the Speaker pro tempore: If no other senator wishes to speak, the this matter will be considered debated.

THE SENATE

MOTION TO URGE GOVERNMENT TO REDUCE CERTAIN REVENUES AND TARGET PORTION OF GOODS AND SERVICES TAX REVENUE FOR DEBT REDUCTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella seconded by the Honourable Senator Stratton:

That the Senate urge the government to reduce personal income taxes for low and modest income earners;

That the Senate urge the government to stop overcharging Canadian employees and reduce Employment Insurance rates so that annual program revenues will no longer substantially exceed annual program expenditures;

That the Senate urge the government in each budget henceforth to target an amount for debt reduction of not less than 2/7 of the net revenue expected to be raised by the federal Goods and Services Tax; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose. —(*Honourable Senator Austin, P.C.*)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I am pleased to have this opportunity to speak to the motion before the Senate. In particular, I will focus on urging the government to reduce personal income taxes for lower and modest-income Canadians.

[*Translation*]

I also want to thank Senator Kinsella for introducing this motion in the Senate, as it will allow us to debate the issue of alleviating the tax burden on Canadians.

[*English*]

I will start with some figures from the Fraser Institute so that we may have a clear picture of the current tax situation in Canada. Taxes in this country are at an all-time high. If it seems you are paying more and more in taxes each year, you are right. The total tax bill of the average Canadian family has increased by 1.550 per cent since 1961.

Back then, the average Canadian family income was \$5,000, and the tax bill for that family was just over \$1,500, or one-third of its income. By 2003, the average family income had risen to almost \$60,000, but the total amount of taxes paid is almost \$30,000, or one-half of the family income.

Honourable senators, the reality is that just about half of what Canadian families earned last year went to taxes. Half of their paycheques were gobbled up by their massive governments, not just in income tax, the one we all like to think about, but also in EI premiums, CPP premiums, property taxes, sales and excise taxes, motor vehicle taxes and so on.

The C.D. Howe Institute tells us that each year the federal and provincial governments together collect some \$475 billion in revenue, a figure that translates into almost \$16,000 for every man, woman and child. That works out to \$64,000 for a family of four paid out every year. That is more than what some families are even able to earn in a year.

This is a burden that is too much for anyone to bear, especially when our government is looking for ways to spend its \$9 billion surplus this year.

This burden is greatest on those who can least afford these taxes, low- and modest-income Canadians. This is where we need to focus our efforts the most. The Canadian Chamber of Commerce suggested this very step in its pre-budget submission this year, stating:

More needs to be done in terms of providing tax relief for low- and modest-income earners, especially families earning between \$25,000 and \$35,000 annually, who see many of the public transfers they receive (including child tax benefits, the GST and provincial sales and property tax credits, student financial assistance and social welfare) clawed back as income rises.

• (1640)

Honourable senators, including claw backs, the marginal tax rate these people face is over 60 per cent and in some cases as much as 80 per cent, which is more than the rate facing Canada's highest earners. Taxing people at this income level discourages working and saving to improve their situation. Frankly, it is just not fair.

I agree we need to continue our fight to bring down the debt, but heavy taxes are not the way to go. They are strangling us. These numbers are staggering and frankly, Canadian families cannot continue to fork over half their income each year. These taxes prevent Canadians from spending money where they need to, such as on food, shelter, and education. These taxes stop them from saving for their future and investing in their children's future.

The time has come to cut taxes and lift this burden off the backs of Canadians. Only by doing this can we give the men and women of this country breathing space and allow them to put their money where they want it to go, instead of the big black government box.

Cutting taxes in this way will also benefit the government. Last June, in a letter to the minister, the Vancouver Board of Trade wrote:

Decreasing taxes encourages Canadians to work, save and invest, and will allow the economy to grow at a greater rate and provide additional funding for Canada's important social programs.

Tax cuts do not stop the flow of money into the government purse. It is quite the opposite. Tax cuts give Canadians more money to invest and that investment increases the government's tax base and the taxes they can pull in.

The bottom line is that tax cuts ultimately mean more tax revenue. Of course, individuals are not the only ones bearing the costs of taxes. Companies pay them as well and business taxes take a heavy toll in this country by increasing the cost of doing business and making it harder for Canadian firms to compete with those that pay fewer taxes.

According to an OECD report released in October, Canadians have a heavier tax burden than people from either of the other countries in NAFTA. In particular, our tax burden "remains high relative to the United States," which they refer to as our greatest economic competitor for investment capital and skilled labour.

While our corporate tax rate is lower than that of the United States, we have a higher effective tax rate on capital because of capital taxes, which are rare in the United States, and unfavourable depreciation and inventory cost deductions compared to the U.S.

The already wide gap between taxes paid in Canada and those paid in the U.S. will only get worse. When the Canadian Council of Chief Executives spoke to the House of Commons Standing Committee on Finance in November, they pointed out that:

While Canada's statutory corporate income tax rate is now marginally lower than that of the United States, the effective tax rate faced by companies is still higher.

Furthermore, they said:

Further tax cuts in the United States are very much on President George W. Bush's agenda for the second term.

We have seen that already in his recent State of the Union address.

Let me repeat, the tax gap will only get worse. This tax gap hamstring Canadian companies as they try to compete against our trading partners. The winner is the other guy because he does not pay the taxes that Canadians do.

We do not just compete against Americans. We compete with countries around the world, but even there we are knocked down time and time again by our own heavy taxes.

High taxes cut into the investment into Canadian firms. According to the most recent information from the OECD in 2001, taxes on personal income represented 13 per cent of Canada's gross domestic product, the highest percentage of any G7 country. As a result, we are not getting our share of North American job creating investment. The Canadian Chamber of Commerce in its pre-budget submission stated:

Canada's tax treatment of depreciation, inventory costs and the general absence of capital taxes in the United States puts Canadian investment projects at a significant disadvantage.

This lack of investment translates into lower productivity which leads to fewer jobs, a lower standard of living, a shrinking tax base and less money for the government. Can this happen? It already has. The numbers show it. According to the C.D. Howe Institute, Canada's business investment has been falling steadily relative to GDP for 20 years. Look at how far we have fallen. Canada is now fourteenth in per capita research spending of the top fifteen industrialized nations. Our productivity is plummeting compared to that of the other OECD nations. We have gone from sixth place in the world competitiveness ranking in 1997 to ninth place in 2001 and fifteenth in 2004; from six, to nine, to fifteen in a simple span of about seven years. According to the *World Competitiveness Yearbook*, Canada has the fourth highest corporate tax rate of the 60 economic jurisdictions that it measured. This tax grab does not result in a lot of money as we rank only 33rd in terms of corporate tax revenue as a share of the economy.

High taxes lead to less investment which result in fewer jobs, lower productivity and ultimately, less tax revenues. The time has come to cut taxes. Cutting taxes encourages companies to come to Canada and set up shop. The Canada Council of Chief Executives told the government on November 4, 2004:

Low corporate tax rates do more than accelerate growth by encouraging business investment. They also attract more companies that make more money and at the end of the day generate more revenue for governments.

If we do not cut taxes, businesses may be driven south. A *National Post* editorial of November 17, 2004 said:

With taxes already much lower in the United States and George W. Bush is cutting them further still in his second mandate, businesses will be drawn south of the border if our rates aren't made more competitive — especially since we can no longer rely on the advantage of a low Canadian dollar.

The *Post* went on to advise: "Rather than waiting until our economic growth slows, the government should act now to lower corporate taxes."

The time has come to cut taxes. The C.D. Howe Institute in a speech to the Economic Club of Toronto, September 20, 2004 said:

High rates substantially erode Canada's competitiveness by discouraging people from working, investing in capital and up-to-date technologies and taking on risk. Recent economic studies have largely come to the same conclusion — a country's tax levels strongly influence its people's economic decisions.

The time has come to cut taxes, but with all this evidence, it does not look like Paul Martin is even considering tax cuts. He wants to spend the surplus on his pet projects and if there is something left over maybe, and that is a big maybe, Canadians will get a tax break and get some of their money returned to them.

This is the wrong way to go. Listen to what the Canadian Chamber of Commerce in its pre-budget submission on November 2004 said:

A tax system that unleashes the creative forces of the economy and improves the incentives to work, save and invest is necessary to provide a framework for prosperity....Most industrial countries have pursued tax reforms to ensure that their jurisdiction remains an attractive location for both individuals and businesses. Canada must do the same.

Low- and modest-income Canadians cannot afford the current level of taxation. Canadian companies cannot afford the current level of taxation. We cannot afford to drive companies and investment dollars away. We cannot afford to let our productivity to freefall and take our standard of living down with it. It is time to cut taxes now.

On motion of Senator Rompkey, debate adjourned.

• (1650)

[Translation]

THE SENATE

RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.,

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.

Hon. Eymard G. Corbin: Honourable senators, I have done a lot of reading and research and I deliberated for a long time before deciding to speak today. The motion of Senator Lavigne, you will recall, asks that a paragraph be added to rule 135. Rule 135.1 would read as follows:

Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

The proposed text of the oath is:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.

If I had not already sworn allegiance, I could not rise today to speak in this place. I must admit that, basically, I am rather indifferent to taking the oath — whether to the Queen or to Canada — because it is something imposed upon me. I do not like impositions, whatever they may be. I am not a great one for symbols. Anyone wanting to question my sincerity or loyalty is free to do so. I do not feel I have to prove my loyalty to the Queen in right of Canada, my love of this country, or my respect for my forebears and all that Canada represents. On the other hand, I am perfectly prepared to support the Constitution of Canada, the Charter of Rights and Freedoms and everything connected with them.

So my remarks are in this vein. I will begin by reminding honourable senators of the oath of allegiance we all have taken, which is proposed by the Constitution and found as the Fifth Schedule of the Constitution Acts of 1867 and 1982.

Oath of Allegiance

I, Eymard G. Corbin, do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Elizabeth II.

That is what was used for me and for most of you.

In my research, I consulted just about every dictionary in my collection. I am an aficionado of dictionaries. I look through dictionaries from morning to night; when I am home, I go back and forth between my desk and the table. When I am not sure about the meaning of words used by my honourable colleagues in their speeches, I like to understand what the words meant. I especially like checking the root of the words, getting into semantics. I am not qualified to do so, but I have a natural predisposition because of my classical studies background, and I must admit that I enjoy it with a passion. I realize this is not likely to bring applause, but that is how I am.

So, it occurred to me to check not only dictionaries, but also texts, to see how the word “oath” had evolved over the history of humanity. I did not go back to the dawn of time — I do not have the training required — but I started with the Bible. I found a concordance of the Jerusalem Bible, and looked under “oath”. Just about every book of the Bible has a reference to oath.

What amazed me the most, however, and refreshed my memory at the same, because I have read the Bible several times, was the fact that oaths were not only sworn to God, but that God, or Yahweh, Himself had sworn oaths, had made commitments to His people — unheard of, in a way, but it was said eons ago, in sacred texts. I could quote in passing, from Deuteronomy, chapter 1, verse 8:

[the land] that Yahweh swore to give to your fathers,

In chapter 11 of the same book, verse 9:

in the land that Yahweh swore to give to your fathers —

There is something like a column and a quarter of references to the word “oath” in the Bible.

[Senator Corbin]

I took out my Latin pocket dictionary, which I have been carrying with me since my versification year. I looked under “*sacramentum*,” or “solemn oath.” According to the Romans “*sacramentum*” involved putting a matter in dispute into the hands of the pontiff — in other words, a priest —, or putting up money as a stake (paid by those who lost in a trial).

Second, it can mean a civil proceeding, *justo sacramento conindere eum aliquo*, to give someone due process — literally and figuratively. Third, it can mean a military oath, enrolment — *dicere aliqui*: to swear an oath, to swear allegiance. “*Sacramentum*” also means “oath, commitment, obligation”.

In my library I have a book entitled *Les mots de l'histoire*, or words in history; it is quite a thick book, which provides me with excellent bedtime reading. It contains thousands of references to historical situations and figures.

With reference to “oath,” I found the following. I think it is something we should remember in this debate:

Elizabeth II — our Queen — this oath by which the sovereign promises to govern in the name of the law is the essential moment in the British Coronation. It is a contract between the monarch and the people. Two English kings, Edward II and Richard II, lost the throne because they violated this oath, which made them constitutional monarchs.

The ritual established by Saint Dunstan for the coronation of King Edgar in Bath in 959 has been retained in its entirety. The oath sworn by the king of France, Charles X, at Rheims in 1825, was taken from the *mandatum regis* of King Edgar — very nearly the same oath as the English one.

Queen Elizabeth took the oath at her coronation on June 2, 1945.

• (1700)

The Archbishop of Westminster solemnly asked her if she was willing to take the oath. She answered: I am willing. The Archbishop then asked:

Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, of Canada, Australia, New Zealand and the Union of South Africa, of Pakistan and Ceylon.

That was the situation in history at that time. I continue:

And of your Possessions and other Territories to any of them belonging or pertaining, according to their respective laws and customs?

To which the Queen answered:

I solemnly promise so to do.

The Archbishop next asked: Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements? The Queen responded: I will.

Next came questions concerning the Church.

Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law?

Will you maintain and preserve the doctrine, worship, discipline, and government of the Church of England? Will you preserve all such rights and privileges as by law do or shall appertain to the Bishops and Clergy of the Church of England?

Having answered in the affirmative, the Queen proceeded to the altar, placed her right hand on the Bible and said:

The things which I have here promised, I will perform, and keep. So help me God.

She kissed the book, signed the oath and returned to her chair. At that point began the ceremony which would make her Queen.

That is the legal source that leads to our own oath of allegiance to Queen Elizabeth II when we are called to the Senate. It is founded in the law, on the observance and respect of the law, of the people who come under the authority of the Crown.

So, it is not a question of love; it is not a matter of sentiment. It is something that is legally established and that is what we are committing ourselves to when we take the oath of allegiance. We are a link in the continuing chain of legal authority giving rise to a Parliament in Canada, to senators, to members of Parliament and to the whole public service that flows therefrom.

I told you that I was very much at ease in taking the oath of allegiance to Queen Elizabeth II. It follows logically in the continuous line represented by the right of Parliament.

I listened with much attention and great interest to the remarks of Senator Lavigne, the sponsor of this proposal. I listened to Senator Carstairs, and to my friend, Senator Robichaud. I noted their comments and questions. I concluded that what motivated the sponsor of this proposal and my colleagues was not really a desire to ensure a kind of legal continuity, or to impose an obligation of respect; rather, it was an overflowing of love for what Canada represents. I would be the last person to object to that. I, too, love my country. It is as simple as that.

But is it necessary, by means of a new oath, to affirm what, in my opinion, is already contained in our oath of allegiance to the Crown? If it could generate some enthusiasm; if it might renew our pride in being part of this country, I would gladly take such an oath. But I do not believe that this kind of feeling can be dictated. There are too many things we are being told to do these days. In the name of security, we are subject to intensive searches before boarding an airplane; we are asked to make detours to be recognized by a Mounted Police officer. New codes of ethics are being imposed on us when there already exist ample provisions in the Constitution and the rules that govern us to deal with all these eventualities. That is my opinion.

As I read the text today, I am being asked to accept the taking of a second oath. I must tell you that idea does not appeal to me very much. However, I will not be the one to interfere with those who want to proceed in that way. I understand that there may be good reasons. I realize that there are still some tensions in Canada. Surely I have not used up my time? I would like to try to finish my remarks.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted the honourable senator to complete his remarks?

Hon. Senators: Agreed.

Senator Corbin: I would simply like to say that I feel comfortable with the current provisions of the taking of the oath. It was with some trepidation that I rose to speak, knowing that Senator Joyal will follow me. It goes without saying that he is an expert in constitutional matters.

But I quickly wanted to refresh my memory on the procedure for amending the Constitution of Canada. The oath is imposed on us by the Constitution. In Section 44 of the Constitution Acts 1867 to 1982, I quote:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

If you wish to add an oath, I suggest that you follow the royal road. There is already a provision, there is already a text. If you wish to feel more comfortable, in order to more eloquently express or more solemnly declare your love and your commitment to Canada in public, I suggest that you should bring forward an amendment to change the form that is contained in the constitutional texts.

I would have liked to say a few words about the Republic of Madawaska because an honourable senator had mentioned this republic, but I will save it for another day, especially since the senator is absent.

The subject is the love of one's country. I do not question the deep love of Senator Lavigne, a strong federalist. I want to read a translation from Spanish, a poem by Jorge Luis Borges, the famous Argentine poet, who passed away a number of years ago. When I read this ode for the first time, it gave me the shivers. Never before had I been deeply moved by the expression of what it means to love one's country:

• (1710)

Ode Written in 1966 is the title.

No one is the homeland. Not even the rider
High in the dawn in the empty square,
Who guides a bronze steed through time.
Nor those others who look out from marble,
Nor those who squandered their martial ash
Over the plains of America
Or left a verse or an exploit
Or the memory of a life fulfilled
In the careful exercise of their duties.
No one is the homeland. Nor are the symbols.

No one is the homeland. Not even time
Laden with battles, swords, exile after exile,
And with the slow peopling of regions
Stretching into the dawn and the sunset,
And with faces growing older
In the darkening mirrors,
And with anonymous agonies endured
All night until daybreak,
And with the cobweb of rain
Over black gardens.

The homeland, friends, is a continuous act
As the world is continuous. (If the Eternal
Spectator were to cease for one instant
To dream us, the white sudden lightning
Of his oblivion would burn us up.)
No one is the homeland, but we should all
Be worthy of that ancient oath
Which those gentlemen swore —
To be something they didn't know, to be Argentines;
To be what they would be by virtue
Of the oath taken in that old house.
We are the future of those men, the justification of those
dead.
Our duty is the glorious burden
Bequeathed to our shadow by those shadows;
It is ours to save.
No one is the homeland — it is all of us.
May that clear, mysterious fire burn
Without ceasing, in my breast and yours.

That is enough for me, thank you.

[English]

Hon. Serge Joyal: Honourable senators, I rise to speak to the motion of Senator Lavigne, which aims to serve an objective that we share, namely, to recognize the importance of our country and our dedication to the service of Canada. Those were the intentions expressed by Senator Lavigne when he introduced his motion.

As always, the devil is in the detail. Senator Lavigne's proposal is essentially that we add a new oath of allegiance. It states:

Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.

The text of Senator Lavigne's motion is essentially the text in Schedule 5 of the Constitution. Senator Corbin has quoted from it as follows:

I...do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

In his proposal, Senator Lavigne has removed "to Her Majesty Queen Victoria" or "Queen Elizabeth II" and replaced it with "true allegiance to Canada."

[Senator Corbin]

In an effort to understand the implications of what we have been asked to do today, the first thing to say is that each word in an oath counts. What is an oath, what is allegiance and what is Canada? This will become the text of an oath, and if one fails to abide by the oath, there are consequences. It is not just a polite formula or a greeting; it is an oath.

I have searched Canadian legislation for oaths of allegiance. We have an Oaths of Allegiance Act, adopted in 1985, that prescribes a form for the oath. The text of that oath reads as follows:

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors. So help me God.

There is already an act entitled "Oaths of Allegiance" that defines allegiance. Allegiance is to the sovereign, to the head of state. The head of state in Canada, according to the Oaths of Allegiance Act, is Her Majesty Elizabeth II, Queen of Canada.

In the Citizenship Act there is an oath that new citizens must take. It reads:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada...

It is quite clear from the text of the Constitution, the Oaths of Allegiance Act and the Citizenship Act that when we, in Canada, say "oath of allegiance," we mean oath of allegiance to the head of state of Canada.

Senator Corbin spoke about the definition of an oath. I will not quote the reference in the Bible, as Senator Corbin did, but rather *Jowitt's Dictionary of English Law*, because we are dealing here with law. I do not question the appropriateness of referring to holy scripture. That is important because statute law usually comes from the holy scripture of 2,000 years ago, through the evolution of Roman law and canon law.

Jowitt's Dictionary of English Law says that an oath is an appeal to God or to a sacred trust to witness the truth of a statement. It is called a promissory oath when it relates not to past evidence but to an intention to do something in the future.

Of course, when we swear true allegiance to Her Majesty the Queen of Canada, it is not because we, as in court, take it upon ourselves to tell the truth. That is past evidence. Rather, it relates to an intention to do something in the future, and we take God, or a sacred trust, as the testimony of our pledge.

• (1720)

Of course, in the Christian religion the corollary is that if we fail to observe the oath, we will incur the wrath of God. That is essentially what it means. That is why the oath was originally a religious initiative. Now, of course, it is a civil initiative, which is clearly stated in the Constitution, in the Citizenship Act and in the

Oath of Allegiance Act. It is important to understand the meaning of the words "oath" and "allegiance." What is allegiance? The text proposed by Senator Lavigne to take an oath of allegiance to Canada is as follows: "I do swear that I will be faithful and bear true allegiance to Canada." What is the meaning of "allegiance?" If I swear allegiance, what does that mean? If I look at the same English dictionary of law, under "allegiance" it states that allegiance is by statute, due to the sovereign, and the subjects are bound to serve in war against every rebellion power that might rear against the sovereign, and are protected in so doing from a tender of high treason and from all forfeitures and penalties. The same source states that allegiance is a thing to which there are two parties: the sovereign and the subject. Lord Cook said that allegiance is the mutual bond and obligation between the King and his subjects whereby subjects are called to his liege. They are called "subjects," and he is called their "liege lord" because he should maintain and defend them.

Allegiance is a two-sided obligation according to those definitions. What is allegiance in our statutes? If I am called to swear allegiance to something, I want to understand the responsibility of such an undertaking, such as pledging allegiance to Canada. Those are the last three words of the oath that Senator Lavigne is proposing. What is Canada? That is a simple question to answer but, as I said, the devil is in the details.

Senator Cools: We could have two Canadas.

Senator Joyal: I know that I have triggered Senator Cools' response but these aspects are important, so I will finish.

Honourable senators, let us look to section of the Interpretation Act, which states:

In every enactment,

"Canada", for greater certainty, includes the internal waters of Canada and the territorial sea of Canada;

What does that mean? It means "the territory." The English version of our national anthem states: "O Canada! Our home and native land!" The French version states: "O Canada! Terre de nos aïeux." If one were to pledge allegiance to Canada in the way that Senator Lavigne is proposing, there would be the bond between the sovereign and the subject, and vice versa, and there would be the bond to the land — not to Canada, the Constitution; not to Canada, the Charter of Rights and Freedoms; and not to Canada, the Statutes of Canada. Essentially, there would be an allegiance to the land. That is literally and legally what it means.

One might say that I am nitpicking legally but, honourable senators, this is extremely important because it deals with our oath of allegiance. All senators in this chamber today are here for a specific reason: because Her Majesty, Elizabeth II, has summoned them, as individuals and as citizens. I quote the summons that senators receive:

Know you, that as well for the especial trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all

weighty and arduous affairs which may the State and Defence of Canada concern. We have thought fit to summon you to the Senate of Canada...

What does that mean? It means that the Queen of Canada has ordered you to come here and give your advice and your consent to her. Why? Because section 17 of the Constitution clearly states:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

The Queen is part of this chamber. The Queen has requested that you come here, to leave everything aside and to give your advice and your consent to the legislation. Before you sit in your seat, you have to pledge personal allegiance to the Queen because she requested that you give your advice to her because she is one part of Parliament.

When we touch on those details, honourable senators, and approach those issues, it is much more complex than one would be tempted to think at first sight. Of course, as Senator Corbin said, I do not mind this and I do not mind the institution. However, we must understand from whence it comes. Senator Corbin has described it well, historically and into the future.

The next question is: Where do we want to go? Honourable senators, I have looked into the status of the oath in other jurisdictions of the Commonwealth that are under the Head of State representing by Her Majesty. I was astonished to find that two institutions, Quebec and Nunavut, have adopted a second oath to follow the first oath of allegiance. I want this information on the record because, as I said, this is a complex set of issues. If we are to move on this, and I hope the committee will study the matter, there will be implications.

In Quebec, in addition to taking the oath of allegiance to Her Majesty prescribed in the Constitution Act, 1867, to which I just referred, a member must also take the following oath:

I declare under oath that I will be loyal to the people of Quebec and that I will perform the duties of members honestly and justly in conformity with the Constitution of Quebec.

What does that mean? It is what we call an "oath of office," whereby one pledges to perform one's duties to the best of one's knowledge. I would like to quote the Oath of Allegiance Act that clearly recognizes the oath of office. An oath of office is not an oath of allegiance. An oath of allegiance, as I mentioned, is directed to the head of state. An oath of office is the responsibility undertaken by someone to exercise his or her duties to the best of his or her knowledge. In other words, to perform those duties within the framework of the statutes and regulations that govern the responsibility or the duty.

That is the second oath taken by legislative members in Quebec.

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senator, your time is up. Do you seek leave to continue?

Senator Joyal: Yes.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*English*]

Senator Joyal: In Nunavut, there is a second oath as well, which essentially states that members will duly and faithfully and to the best of their skill and knowledge execute the power and trust reposed in them as members of the legislative assembly. That too is an oath of office.

• (1730)

I have considered the situation in the United States and in India, which are both republics, of course. The country to the south of us has an oath. When someone enters into his or her duty as a senator in the American Senate, that person must take an oath of allegiance. It reads as follows:

I do solemnly swear and affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same.

What is it? It is allegiance to the Constitution of the United States. In other words, you cannot have two allegiances. You have allegiance to either the head of state or you have allegiance to what is the body of law that governs the country, the United States.

I have also considered the most interesting example to be found in India. The oath in India reads as follows:

I..... having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

There are two parts to the oath of India. There is an oath of allegiance to the Constitution and an oath of office that you will do your best in performing your duty.

Honourable senators, I wanted to draw your attention to those aspects of the proposal put forward by Senator Lavigne, because I think that he has, in fact, done us a service by raising this issue. I think it will help us to reflect on the structure of our chamber and on the status of individual senators and how we should frame an oath to serve our country.

The question raised by Senator Lavigne is not dispelled by the comment I made today. I would just say that the words used by Senator Lavigne, to me, are in conflict with the constitutional concepts that are entrenched in our system of law in Canada.

The purpose of his proposal is a valid one, but we must be sure that we use the correct words because, in moving forward and adding a second oath, we must not contradict the objective of the first oath. We cannot duplicate the allegiance of the first oath. There is only one allegiance. That is clear throughout the world.

I would invite honourable senators to peruse the constitutions of the Commonwealth countries or other countries. You will realize that allegiance is due only to one entity. It cannot be split in two.

As Senator Corbin properly said, as long as we do not amend The Fifth Schedule of the Constitution Act, 1867 and the Constitution Act, 1982, we are bound to respect the concept entrenched in the Constitution. If we were to change that, that would be another matter. That is an avenue other than the one proposed by Senator Lavigne. However, if we were to accept the proposition put forward by Senator Lavigne, which is the recognition of the dedication of a senator to serve Canada, to fight for Canada, to maintain the integrity of Canada as he did through referendums on at least two occasions, then that, I believe, would require different wording. Fundamentally, we must have a clear perception of what we are doing. They seem innocuous, but in fact the concepts entrenched in those initiatives are complex and we do not want to adopt a proposal that would not be enforceable in court. At the end of the day, if you fail to abide by your oath, you are open to the justice of the courts. I am sure that each and every individual senator will want to do the right thing at the right time.

[*Translation*]

Hon. Raymond Lavigne: There is one question I would like to ask Senator Joyal. If we look at rule 135, with all due respect to Mr. Joyal, who is a lawyer, I would point out to him that there is no mention of the Queen of Canada. It merely gives Queen Elizabeth II. When I was sworn in, I did not swear allegiance to my country of Canada, but to Queen Elizabeth II only.

I do not propose to open up the Constitution but the proposal is to add 135.1 after rule 135 which would be about swearing allegiance to our country, Canada. It is no more than an act of loyalty to say one belongs to a country. People I run into ask me why I have sworn allegiance to the Queen and not to my country. I am asked that a lot.

If there are problems about what one can be within this country, it is probably because the word Canada does not appear anywhere. I understand Senator Joyal's reference to Queen Elizabeth II of Canada, but when it comes to swearing allegiance to Queen Elizabeth II of Canada, I swear allegiance to Queen Elizabeth II or Queen Victoria, not to the Queen of Canada. That is the point I wished to modify.

Senator Joyal: The issue that you are raising is interesting, but it is already the subject an act, namely the Royal Style and Titles Act of 1953. This act states clearly that Queen Elizabeth II is the Queen of Canada. If you look at the text of the Royal Style and Titles Act of Canada, you will see that Queen Elizabeth the Second, or her successor, will always have the title of Queen of Canada or King of Canada.

The Constitution provides that we take an personal oath of allegiance to the Queen, as in the wording of that oath in the fifth schedule of the Constitution. That schedule essentially gives effect to the summons that you received from the Queen. Again, the summons by the Queen is worded as follows:

[English]

... Elizabeth II, by the Grace of God, of the United Kingdom, Canada, and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

[Translation]

The person who summoned you here is Queen Elizabeth II who, by the Grace of God, is the Queen of the United Kingdom and the Queen of Canada. It is the very wording of the summons that you received. When you take your oath of allegiance, it is to the Queen personally. That queen is, under the Royal Style and Titles, the Queen of Canada. There is no confusion as to the identity and capacity of the person when you take the oath of allegiance provided in the fifth schedule of the Constitution.

Senator Lavigne: Honourable senators, people on the street, ordinary citizens do not have Senator Joyal's ability to understand that Queen Elizabeth II is the Queen of Canada. I am convinced that when you talk about Queen Elizabeth II, these people think that you are talking about the Queen of England, not the Queen of Canada. People reference to our country, Canada, in the oath of allegiance. This is the message that I want to convey to honourable senators.

Senator Joyal: Do not get me wrong, Senator Lavigne. I am not opposed to your proposed objective. I am simply saying that, when drafting the text of an oath, we have to take into consideration the country's constitutional structure and the meaning of the words we use, to ensure that, as you say, we will be understood by the average person. The purpose of my comments today was simply to draw your attention, so that if the Senate decides to refer your motion to a committee for review, the committee will already be aware of the legal and constitutional implications of adding an oath to the one that the Constitution already requires us to take.

• (1740)

[English]

Hon. Leonard J. Gustafson: Honourable senators, I found the honourable senator's remarks very interesting regarding the swearing of allegiance to Canada. I am thinking now as a farmer — the land. We have a responsibility. We recently saw a situation concerning the water that surrounds the Maritimes. I wonder if we, as members of the Senate, sometimes forget about the importance of that allegiance, not only to the Queen, but to the country and the land. That importance applies to the environment as well, especially in rural Canada, which has seen some very difficult days. I would like to hear my honourable friend's comments in that regard.

Senator Joyal: The honourable senator raises an important preoccupation that we all have, which is to defend our country and to defend the land.

The oath of office in India calls upon the integrity of the country. What is the integrity of the country? It is not only the fact that it is one land, one country, but the fact that within that country there are parts, elements, and structures that are all important and that we must fight to maintain.

As much as the objective to add an oath is important, as are the objectives expressed by Senators Gustafson and Lavigne, we must choose the right word to ensure that there is no confusion legally and that we respect the structure of the Constitution under which we are governed and which has served us so well for 38 years.

Hon. Anne C. Cools: Perhaps the senator will take another question. I found the senator's statements to be, as usual, very interesting. I think this house knows where I stand on many of these issues. I strenuously resist at all times any attempt to deprive Canada of its rightful constitutional heritage, its monarchy. I see this constant chipping away — it is not chipping away, it is slashing away — at the entire system as very undesirable.

My question to Senator Joyal has to do with the definition of the word "Canada" according to Senator Lavigne's proposal. Senator Joyal will remember that we had strenuously opposed Bill C-20 at the time. It was called the Clarity Act and said that Canada was divisible and could become two countries. Maybe there could be a greater Canada, a lesser Canada, an inferior or superior Canada, or maybe there could be many.

Has Senator Joyal given any thought to what the word "Canada" would mean in Senator Lavigne's proposal? It may be that some senator could move an amendment to his motion referring to Canada as we define it today or maybe as it will be defined at some point in time Senator Joyal did much work on Bill C-20 at the time.

As I was saying, Bill C-20, to my mind, did the unthinkable because it put into law the fact that Canada was divisible and could be divided under particular conditions. I know that Senator Joyal had many concerns about Bill C-20, as did I.

When a proposal to swear allegiance to Canada comes forward, one that I do not like at all, what is the definition of Canada or which Canada is meant?

In addition, the fact is that the allegiance that we swear when we come into this chamber predates the BNA Act. I will raise this issue when I speak to the motion because allegiance to Her Majesty was not created by the BNA Act. It predates the BNA Act. To my mind, therefore, the proposal before us is not properly constitutional. Has my honourable friend thought about the impact of this proposal on Bill C-20's divided Canada and then, secondly, the impact on the allegiance that is owed to Her Majesty, not by virtue of the BNA Act because what the BNA Act prescribes is the form of the oath of allegiance? The need for the oath "antecedes" or predates the BNA Act. Many confuse the form of the oath with the actual need for the oath itself. Has the honourable senator taken a look at that, because the particular

form of oath as prescribed in the BNA Act is a short one. The oaths were longer pre-Confederation. Pre-Confederation oaths were so profound as to find something like this proposal to be treasonous.

Hon. Bill Rompkey (Deputy Leader of the Government): On a question of process, honourable senators, we have gone beyond the three minutes we had agreed to give to Senator Joyal.

I do not want to restrict Senator Cools because I understand that she wants to take part in the debate. However, there will be lots of time for debate and we do not want to exhaust it today. We are getting close to six o'clock and certain committees wish to sit. Can we have an answer from Senator Joyal and then continue debate at a later time? If that is agreeable, I would then like to adjourn debate.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Joyal: Senator Cools has raised a point that is very true. There is no question that the oath of allegiance predates Confederation. I could quote a series of acts dealing with the oath of allegiance in Britain that had an application to Canada. There is the act of 1838, and I could go back in history. The honourable senator is totally right on this point.

On the second point, the definition of Canada, I would ask honourable senators to go back to the BNA Act and read where there are references to Canada. The references to Canada in the BNA Act always refer to the concept of the territory. Of course, I understand what Senator Lavigne seems to want to serve and I understand what Senator Gustafson has appropriately described to us. However, if we are to give way to their intentions, we have to weigh the concept and the reality enshrined under each word because an oath related to taking the seat is a very important oath. That oath must be meaningful in court. It might have to be interpreted in court one day, or someone might allege one day that a person has broken his or her oath or second oath. In other words, we must know exactly what is meant by the word "Canada."

Perhaps the text proposed by Senator Lavigne could be studied or improved. Maybe a definition paragraph could be added stating that "For the purpose of this oath, 'Canada' means..." and then we define what it means. It is not clear at all from the previous constitutional text, as the honourable senator has said, what we understand by it, but it is the job of the committee to look into the matter according to the preoccupation honourable senators have expressed.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, February 9, 2005, at 1:30 p.m.

APPENDIX A

(see page 637)

2004 Canadian Arctic Traffic Summary				June – November 2004
	Voyage Type	Vessel Name	Registry	Number of Voyages
1	CCG icebreaker	Louis S. St-Laurent	Canadian	1 (NWP transit west and east)
2	CCG icebreaker	Pierre Radisson	Canadian	1
3	CCG icebreaker	Des Groseilliers	Canadian	1
4	CCG icebreaker	Henry Larsen	Canadian	1
5	CCG icebreaker	Sir Wilfrid Laurier	Canadian	1
6	CCG icebreaker/scientific	Amundsen	Canadian	1 (NWP transit eastbound)
7	CCG scientific	Nahidik	Canadian	1
8	Canadian Navy frigate	HMCS Montreal	Canadian	1
9	General cargo	Umiavut	Canadian	3
10	General cargo	Aivik	Canadian	3
11	General cargo	Mathilda Desgagnes	Canadian	2
12	General cargo	Anna Desgagnes	Canadian	3
13	General cargo	Camila Desgagnes	Canadian	3
14	General cargo	Cecilia Desgagnes	Canadian	3
15	General cargo	Polar Prince	Canadian	1
16	Tanker	Maria Desgagnes	Canadian	2
17	Tanker	Petrolia Desgagnes	Canadian	3
18	Tanker	Tuvaq	Canadian	7 (includes planned)
19	Tanker	Mokami	Canadian	14 (from Churchill)
20	Tanker	Sibyl W	Canadian	2
21	Tanker/Danish fishing fleet	Emma	Danish	3
22	Ore bulk oil	Arctic	Canadian	4
23	Tug/barge (east)	Nelson River	Canadian	1 (several local)
24	Tug/barge (east)	Hudson Bay Explorer	Canadian	1 (several local)
25	Tug/barge (east)	Kaliutik	Canadian	1 (several local)
26	Tug/barge (west)	Edgar Kotokak	Canadian	2
27	Tug/barge (west)	Nunakput	Canadian	3
28	Tug/barge (west)	P. Kootook	Canadian	3
29	Tug/barge (west)	Jock McNiven	Canadian	1
30	Grain out (Churchill)	Oriental	Greece	1
31	Grain out (Churchill)	Anodad Naree	Thailand	1
32	Grain out (Churchill)	Torm Arawa	Liberia	1
33	Bulk (Deception Bay)	Albatros	Bahamas	1
34	Grain out (Churchill)	Nassau Paradise	Bahamas	1
35	Grain out (Churchill)	Spar Eight	Norway	1
36	Grain out (Churchill)	Torm Pacific	Liberia	1
37	Grain out (Churchill)	Majestic	Panama	1
38	Grain out (Churchill)	Kapitonas Andzejaukas	Lithuania	1
39	Grain out (Churchill)	Sea Front	Malta	1
40	Grain out (Churchill)	Kapitonas A.Lucka	Lithuania	1
41	Grain out (Churchill)	LMZ Troodos	Cyprus	1

42	Grain out (Churchill)	Sea Maestro	Liberia	1
43	Grain out (Churchill)	Mount Athos	Cyprus	1
44	Grain out (Churchill)	Surya Kripa	India	1
45	Cruise ship	Kapitan Khlebnikov	Russia	1 (NWP transit eastbound)
46	Cruise ship	Akademik Ioffe	Russia	1
47	Cruise ship	Orion	Germany	1
48	Cruise ship	Clipper Adventurer	Bahamas	1
49	Cruise ship	Hanseatic	Bahamas	1
50	Cruise ship	Le Levant	France	1
51	Cruise ship	Lyubov Orlova	Malta	1
Note: Cruise ships regularly enter/depart Canadian waters at various points during Arctic voyages, often visiting Greenland ports and returning. Each vessel is listed as one voyage only.				
52	Pleasure craft	Polar Bound	British	1 (NWP transit east-2 years req'd)
53	Pleasure craft	Dagmar Aaen	German	1 (NWP transit east-2 years req'd)
54	Pleasure craft	Jotun Arctic	Norway	1 (wintering)
55	Pleasure craft	Fine Tolerance	Australian	1 (wintering)
56	Pleasure craft	Minke One	Canadian	1 (wintering)
57	Scientific research	Paamiut	Danish	3
58	Scientific research	Knorr	USA	1
59	Scientific research	Blue Heron	USA	1
60	Scientific research	Dana	Danish	1
61	Fishery scientific research	Walther Herwig III	German	1

Note; listing prepared from NORDREG reports and CCG Regional Operations Centre contacts. Vessels not reporting to voluntary NORDREG system may not be included. Fishing vessels are not listed.

Total voyages (2004)

107

Canadian government vessels

8

Commercial traffic summary

Canadian vessel voyages

62

Foreign vessel voyages

18 (14 to/from Churchill)

Foreign cruise ship voyages

7

Foreign research vessel voyages

7

Foreign pleasure craft voyages

4

Canadian pleasure craft voyages

1

North West Passage transits

Canadian Coast Guard

2 (one both east and west)

Canadian commercial vessels

0

Foreign cargo vessels

0

Foreign cruise ships

1

Foreign pleasure craft

2 (2 years each – over wintered)

CONTENTS

Tuesday, February 8, 2005

	PAGE		PAGE
SENATORS' STATEMENTS		Transport	
Effects of High Corporate Taxation Rates		Airline Industry—RCMP Investigation of Airport Workers for Possible Ties to Organized Crime.	
Hon. Donald H. Oliver	631	Question by Senator Di Nino.	
The Late Honourable Louis J. Robichaud, P.C., Q.C., C.C.		Hon. Bill Rompkey	637
Hon. Joseph A. Day	631	Public Works and Government Services	
The Late Roy Fraser Elliott, Q.C., C.M.		Millennium Bureau—Alleged Irregularities.	
Hon. W. David Angus	632	Question by Senator St. Germain.	
General Rick Hillier		Hon. Bill Rompkey	638
Congratulations on Appointment as Chief of Defence Staff.		Pages Exchange Program with House of Commons	
Hon. Ethel Cochrane	632	The Hon. the Speaker	638
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Criminal Code (Bill C-10)		Telefilm Canada Act (Bill C-18)	
Bill to Amend—First Reading	632	Bill to Amend—Second Reading—Debate Adjourned.	
Access to Census Information		Hon. Maria Chaput	638
Presentation of Petition.		Hon. Tommy Banks	640
Hon. Lorna Milne	632	Hon. Jean Lapointe	641
QUESTION PERIOD		Visitors in the Gallery	
Justice		The Hon. the Speaker <i>pro tempore</i>	642
Same-sex Marriage—Freedom of Religion of Provincial Marriage Commissioners.		First Nations Government Recognition Bill (Bill S-16)	
Hon. Gerry St. Germain	633	Second Reading—Debate Continued.	
Hon. Jack Austin	633	Hon. Aurélien Gill	642
Hon. Terry M. Mercer	635	Hon. Gerry St. Germain	644
Hon. Anne C. Cools	635	Hon. Charlie Watt	645
National Revenue		Criminal Code (Bill S-24)	
Expenditure Review Committee—Package of Possible Savings.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Donald H. Oliver	635	Hon. John G. Bryden	645
Hon. Jack Austin	636	Study on State of Health Care System	
Prime Ministers' Office		First Interim Report of Social Affairs, Science and Technology Committee.	
National Unity Reserve Fund.		Hon. Catherine S. Callbeck	649
Hon. Marjory LeBreton	636	The Senate	
Hon. Jack Austin	636	Motion to Urge Government to Reduce Certain Revenues and Target Portion of Goods and Services Tax Revenue for Debt Reduction—Debate Continued.	
Health		Hon. Terry Stratton	651
Reporting of Adverse Reactions to Prescription Drugs.		The Senate	
Hon. Ethel Cochrane	637	Rules of the Senate—Motion to Change Rule 135—Oath of Allegiance—Debate Continued.	
Hon. Jack Austin	637	Hon. Eymard G. Corbin	653
Delayed Answers to Oral Questions		Hon. Serge Joyal	656
Hon. Bill Rompkey	637	Hon. Raymond Lavigne	658
		Hon. Leonard J. Gustafson	659
		Hon. Anne C. Cools	659
		Hon. Bill Rompkey	660
		Appendix A	661



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

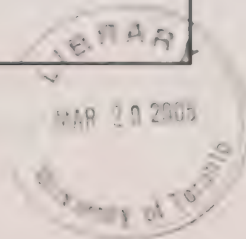
•

NUMBER 33

OFFICIAL REPORT
(HANSARD)

Wednesday, February 9, 2005

THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, February 9, 2005

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE STANLEY RONALD BASFORD, P.C., Q.C.

Hon. Jack Austin (Leader of the Government): Honourable senators, I rise to say a few words about my former colleague the Honourable Ron Basford, who died two weeks ago in British Columbia.

The Honourable Ron Basford served in the House of Commons from 1963 to 1978 as the member for a riding first called Vancouver—Burrard and then Vancouver Centre. He served in four cabinet posts during that time. He was Minister of State for Urban Affairs, Minister of Consumer and Corporate Affairs, Minister of National Revenue and Minister of Justice.

He was a most diligent and hard-working colleague and a leader in issues relating particularly to his riding. He was an excellent constituency representative and the testimony to that today is Granville Island. I hope many honourable senators have visited the farmers' and cultural markets at Granville Island.

When Mr. Basford took responsibility for urban affairs, Granville Island was a polluted industrial site and quite a disgrace to Vancouver. He and his team had the vision, and he was capable of not only developing the vision, but of actually putting Granville Island together and into operation. Today, it is a great feature of Vancouver.

I should like to mention two or three other accomplishments during Mr. Basford's career. He was the first Minister of Consumer and Corporate Affairs to deal with drug prices and succeeded in putting into place a legislative regime controlling drug prices. He also put into place legislation with respect to hazardous products, something very new at the time. As well, he led the government's policy of the day with respect to the introduction of the metric system.

I attended a meeting on the metric system with Mr. Basford at Sechelt, where he retired in 1990. A great statement was made by one of the members of the audience who said, "Mr. Basford, you are dead wrong. The tide rises in feet, it never rises in metres." I thought that was a very impressive argument.

In the justice portfolio, Mr. Basford is best known for leading the policy of the government to eliminate capital punishment in Canada. He should also be known for furthering the appointment of Bertha Wilson to the Supreme Court of Canada.

Finally, I remember an issue relating to a member of Parliament, Tom Cossitt, who some will remember here, and the Official Secrets Act. Mr. Basford took a strong position, refusing to prosecute a member of Parliament under that legislation. He will be missed.

POLICY ON BANK MERGERS

Hon. Donald H. Oliver: Honourable senators, last Thursday, the federal government's policy paper on bank mergers was delayed yet again. Canada's largest financial institutions currently lack a critical business option; that is, the ability to merge or not to merge when they see fit. Our largest banks have been waiting since 1998 for the government to move ahead with a comprehensive policy on bank mergers. So far it has not happened and we need to get on with it.

In December 2003, the Minister of Finance promised Canadians that bank merger guidelines would be released by June 2004. In June, he said the paper would be completed by September. In September, he delayed the process further, announcing to the CBC that "the federal bureaucracy was too busy with other tasks."

Now the Minister of Finance announced in an interview with the *Toronto Star* last Thursday that the federal government's position would be further delayed and that "there would be no timeline for the delivery" of this policy paper.

Honourable senators, this is unacceptable. The Royal Bank, the Canadian Imperial Bank of Commerce, the Bank of Nova Scotia, the Toronto Dominion Bank and the Bank of Montreal have been waiting since 1998 for our government to release its policy paper that would set the guidelines for allowing banks to merge. After seven years in waiting, the heads of our largest banks are not optimistic that the government will take action any time soon.

Gordon Nixon, CEO of the Royal Bank of Canada, says he "does not expect any federal government policy on bank mergers to be released for at least three years." Ed Clark, CEO of the TD Bank, said that he "didn't have any expectations of clarity on the issue."

By not introducing a clear, comprehensive financial sector consolidation policy, our banks simply cannot respond to the massive changes affecting our international banking industry.

Honourable senators, a bank's basic role to act as an intermediary between lenders and borrowers is changing in fundamental ways. Canada's banks must be able to adapt to evolving international and domestic competition. The government's inaction is doing irreparable damage to our economy. We must take the necessary steps to ensure that our banking industry remains vibrant. A policy on bank mergers would be a good start.

MR. JAMES BEAUMONT

CONGRATULATIONS ON WINNING U.S. SILVER MEDAL PIOBAIREACHD

Hon. Catherine S. Callbeck: Honourable senators, today I rise to recognize James Beaumont, an international student from Scotland who studies and teaches at the College of Piping and Celtic Performing Arts of Canada in Summerside, Prince Edward Island.

• (1340)

On January 14, 2005, James competed against 31 other pipers and won the prestigious U.S. Silver Medal Piobaireachd at the Midwest Highland Arts Fund and Midwest Pipe Band Association contest held in Kansas City, Missouri. This is the biggest piping and drumming competition in North America. This victory is an outstanding achievement for James, as this contest was his first attempt at competing in North America.

Another one of James' successes is his band, "Shott's and Dykehead," who are 14-time world champions and have played for the Queen and the Pope.

The College of Piping and Celtic Performing Arts of Canada was established in 1991 and has been actively promoting and preserving Celtic culture and heritage by offering instructions in highland bagpiping, drumming and dancing. The college is the only year-round institution of its kind in North America and is affiliated with the world-renowned College of Piping in Glasgow, Scotland.

It is most appropriate that the college be located in Prince Edward Island, where some 70 per cent of the Island's population is composed of Scottish or Irish descendancy, making it the most Celtic province in Canada.

The college is under the outstanding leadership and direction of Scott MacAulay, a world champion highland piper. He and his enthusiastic and talented staff offer an internationally recognized program of study that attracts students from around the world to develop their skills.

Honourable senators, the College of Piping and Celtic Performing Arts of Canada began as a dream among a small group of volunteers in Prince Edward Island who wanted to preserve and promote their culture. Today, it stands as a tribute to bold dreams and a strong vision that have been firmly rooted and carefully grown and nurtured.

I wish to extend my congratulations and best wishes to James Beaumont and all the staff and students at the college for their continued success in the future.

[Translation]

QUALITY END OF LIFE CARE

Hon. Lucie Pépin: Honourable senators, the debate on euthanasia and assisted suicide has been revived as a result of Marcel Tremblay's recent suicide. No longer able to go on, this

septuagenarian decided to end his life after being diagnosed with a fatal disease. Thanks to my experience as a nurse, I have the greatest respect for people who have had enough and decide to end their lives.

In doing what he did, Mr. Tremblay wanted not only to end his suffering but also to tell us that the dying should have the right to end their lives, surrounded by family, without worrying about the consequences. This is a reasonable request that deserves our full attention.

Our recent past is filled with numerous other cases that lend a sense of urgency to this matter. It is already difficult for a mother to help her son take his life and even worse for her to have to face the justice system for doing so. This is the situation currently facing Marie Houle of Montreal. It is not right that Manon Brunelle had to move to Switzerland to be able to die with dignity. We can still remember the suicide of Sue Rodriguez in 1994.

Obviously there are other cases besides the ones that have received media coverage, where Canadians have less openly taken it into their own hands to end their suffering, and in some cases ended up having to live with the consequences of a failed attempt.

A 1974 amendment to the Criminal Code decriminalized suicide while leaving assisting a suicide untouched. We cannot help but wonder whether it is fair to recognize this right for those capable of legally taking their own lives, while others cannot do the same because they are no longer physically capable of carrying out their wishes by themselves.

It has, moreover, been proven that the knowledge that one is able to take leave of life with peace and dignity when no longer able to endure provides psychological reassurance and thus reduces the need to bid farewell to life prematurely.

I would strongly suggest that we have a close look at what is done in Belgium and the Netherlands. In these two countries, when patients themselves make a voluntary and repeated request and meet the set criteria, a physician is allowed to help them end their lives using the method of their choice.

Nevertheless, legalized and decriminalized assisted suicide must be the last resort. We must continue to give medical science the chance to treat depression and control pain. I am sure that improved access to quality palliative care would also help improve terminally ill patients' will to live.

I agree that we need to be cautious. Legislation on assisted suicide must not under any circumstances turn into the ideal excuse for getting rid of people considered a burden.

I refer you to an excellent report produced in 1995 by the Senate and sponsored by the Honourable Senator Carstairs, *Quality End-of-Life Care: the Right of Every Canadian*.

I would encourage all of you, as parliamentarians, to review this topic so that we may continue our reflections.

[English]

BLACK HISTORY MONTH

Hon. Mobina S. B. Jaffer: Honourable senators, there is no doubt in my mind that without the contribution of each and every one of our communities, Canada would not be the great country that it is today. We all recognize the contributions that Canadians of all backgrounds make to the rich multicultural fabric of our country. For the past 10 years, we have taken the month of February as a time to recognize the contributions of Black Canadians to our history and heritage.

Yesterday, Jean Augustine, the MP who introduced a motion to make February Canada's Black History Month, introduced the Prime Minister of Canada to a group that consisted mostly of young Black Canadians here on Parliament Hill. The Prime Minister talked to the group about the importance of history and how all Canadians are enriched by the contributions of Black people in Canada. He said that whether they trace their roots back to the Underground Railroad, the Caribbean or to Africa, their history is something that all Canadians can draw on for support and inspiration.

As a person originally from Africa, it was my pleasure to be part of this group. Attending with me were Senators Mercer, Oliver, Poy and Cools.

Although Black History Month puts an emphasis on the contributions of past Black leaders, Prime Minister Martin also looked to the future. The Prime Minister told the young people assembled that what Black History Month was really about was the history that they would make as they took the reins of this great country over the next 50 years and how the history they would make would inspire future generations of Black Canadians to reach for even greater heights. To quote the Prime Minister:

I really hope that sometime 25, 30, 50 years from now there is a group of young people like yourselves who are here in this room, and what they are celebrating is a brilliant history of the 50-year period that you are going to be leaders of this country. That is what this is all about.

This, I believe, is the future to which we can all look forward.

ROUTINE PROCEEDINGS**NATIONAL SECURITY AND DEFENCE****NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE**

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit at 3:15 p.m. on Tuesday, February 15, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

**L'ASSEMBLÉE PARLEMENTAIRE
DE LA FRANCOPHONIE****TENTH SUMMIT, NOVEMBER 23-27, 2004—
REPORT TABLED**

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6) of the Senate, I have the honour to present to the Senate, in both official languages, the report of the Canadian delegation of the Assemblée parlementaire de la francophonie on its participation in the tenth Summit of La Francophonie, held in Ouagadougou, Burkina Faso, from November 23 to 27, 2004.

• (1350)

[English]

QUESTION PERIOD**TRANSPORT****BRITISH COLUMBIA—EFFECT OF CONGESTED
COMMERCIAL CORRIDORS**

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

The minister and all honourable senators recognize that our economic forecast is being downgraded. One reason for that is the challenge to the economy caused by the congestion in our transportation system. As was discussed in the last couple of days here in the Senate, it is occurring in British Columbia, but other transportation corridors face similar problems. Windsor-Detroit comes to mind as an example. This highlights the need for governments to be proactive in meeting the challenges we face in our transportation infrastructure.

With respect to British Columbia, suggestions have emerged that the amalgamation of Lower Mainland ports with Prince Rupert would lower the cost of infrastructure and facilitate better planning for the best use of existing infrastructure. This is mentioned in a recent transportation paper authored by Professor Michael Goldberg of the University of British Columbia. However, the legislation that defines the structure of port authorities would have to be examined, if not changed, at the federal level.

Is the government able to provide us with some background on this matter? Is the government actively examining how to ensure that federal red tape will not be a roadblock and, indeed, federal partnership will be there to enhance the resolution of our transportation challenges?

Hon. Jack Austin (Leader of the Government): Honourable senators, I welcome the question by Senator Kinsella as "chapter two" of a discussion we began in Question Period a few days ago.

The Government of Canada is not considering an amalgamation of the Port of Vancouver and the Port of Prince Rupert. They are stand-alone ports and are sufficiently different in the way they operate that no advantage would be gained by an amalgamation.

There are, in fact, four ports on the B.C. coast: The Port of Prince Rupert; the Port of Vancouver; the Fraser River Port Authority, which controls shipping on the Fraser River up to and beyond New Westminster; and Delta Port, which is a huge bulk loading facility.

As we noted a few days ago, container congestion is particularly severe, and that is due to an enormous growth in Chinese exports seeking North American markets, and the value of the Port of Vancouver in being able to move those containers from China, Hong Kong, Taiwan, Korea and Japan to, particularly, central United States markets, more quickly than any U.S. port can do it.

The unexpected demand has put pressure on ports, the rail system and truck transport, which is also involved, and authorities are doing a good job of coping with the situation.

The same congestion exists in the Port of San Diego, the Port of Los Angeles and the Port of Seattle-Tacoma, so our problem is not unique, and I would argue that we are handling it better than are the U.S. ports.

The Port Authority of Prince Rupert is seeking financial support to build a container facility. It does not now handle containers. If it had a container facility, that would take two days off the shipping time from Hong Kong or Shanghai, for example, to the U.S. Midwest.

A number of efforts are being made. The Province of British Columbia has undertaken to commit provincial funds to assist the Port of Prince Rupert in its development. A New Jersey company, which operates the ports of New Jersey, has proposed that it become the operator of the container port in Prince Rupert and has said that it will invest \$60 million. CN has also agreed to invest funds and to prepare the facility.

The Government of Canada is now in the difficult position, as I think Senator Kinsella must know, of facing the provisions of the Canada Marine Act, which do not permit parliamentary appropriations to be transferred to Canadian ports except under a policy of general application. The Government of Canada is looking for ways to assist the Port of Prince Rupert.

With respect to the Windsor-Detroit corridor, again as members of the Senate know, this is one of the most egregious transportation problems we have. That port carries a vast amount of economic traffic both ways, and concerns have been raised both as to its capacity and as to the security issues that relate to that transportation artery. The government is giving the most expeditious consideration to the issue and is in talks with U.S. authorities to see whether there can be a joint development plan.

Speaking geographically, there are also discussions between the Province of New Brunswick and the State of Maine with respect to a joint investment in improving transportation arteries there.

I do not identify with Senator Kinsella's topic sentence, that is, that the economy is being downgraded by these issues. However, we must pay attention to them or they can have a serious impact on our GDP growth.

EFFECT OF CONGESTED COMMERCIAL CORRIDORS— REVITALIZATION OF EASTERN SEABOARD PORTS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I thank the minister for that response, in the course of which he drew our attention the Province of New Brunswick. The federal government must look at this as a national grid issue. The Port of Saint John, which I think is our deepest seaport and can accommodate deep-draft container ships, is underutilized, as we speak.

I am certain that the honourable member in the other place from Saint John would be supportive of a government initiative to examine the Port of Saint John, which is currently operating under capacity. I am sure that all honourable senators will have read in various publications that serious examination is being given to Asian shippers using Panama and coming up the Eastern Seaboard.

Senator Mercer: They are coming up to Halifax where there is lots of available docking space.

Senator Kinsella: The honourable senator, who is from Halifax, is familiar with the situation there.

Can the Leader of the Government in the Senate tell us what the government's plans are for the revitalization of ports on the Eastern Seaboard, such as Saint John, to deal with congestion?

Congestion is a good sign, but if we do not solve this issue, it could lead to a great national malady.

Hon. Jack Austin (Leader of the Government): Honourable senators, I agree with Senator Kinsella that congestion indicates full capacity use, which is good, but our inability to grow the business is not something that we want to experience, so we do want to develop infrastructure and capacity.

• (1400)

Some Asian shippers are moving their cargo through the Panama Canal to reach Halifax. That method adds substantially to their shipping time but if their cargos are incapable of being unloaded and transferred from Vancouver, it may be the best of two options. I would suggest that these questions be put to a number of West Coast shipping interests whose businesses are headquartered along the Asian Coast in Singapore, Japan, Korea, Hong Kong and Shanghai when they appear as witnesses before the committee studying Bill C-15, in respect of migratory birds. They are concerned about yet another issue which they believe to be excess penalties proposed in Bill C-15.

PRIME MINISTER'S OFFICE

NATIONAL UNITY RESERVE FUND

Hon. David Tkachuk: Honourable senators, yesterday in the chamber, the Leader of the Government in the Senate was much more aware of the national unity fund than he was in March 2004. The leader alleges that this fund had been in existence since the Trudeau administration. Could the honourable leader inform this chamber as to when, precisely, the current Prime Minister became aware of its existence?

Hon. Jack Austin (Leader of the Government): This is an old topic, honourable senators, on which Senator Tkachuk and I have had some exchanges in months past. We should await the appearance of the Prime Minister, the Right Honourable Paul Martin, before the Gomery commission, which will occur tomorrow. Perhaps much of what is unclear today will be clarified then.

Senator Tkachuk: We will try to clarify not what the present Prime Minister said but perhaps what the previous Prime Minister said, and what the honourable leader says. After the Leader of the Government in the Senate made his comment yesterday, we heard the former Prime Minister say that the fund was established in 1996 and that the cabinet agreed to it unanimously, including the Minister of Finance, and that a cabinet committee was to oversee it. Could the honourable leader explain to what fund he referred and to what the previous Prime Minister was referring?

Senator Austin: Honourable senators, the name of the fund may have changed from time to time but always, back to Mr. Trudeau's time, funds were set aside by Treasury Board to deal with national unity issues, particularly pertaining to Quebec. I learned after I gave the answer yesterday that while the fund existed under Prime Minister Mulroney, he caused it to be cancelled, I suppose on the basis that no further efforts to protect national unity in Quebec were required.

Senator Stratton: Is the honourable leader presuming that or does he know that as fact?

Senator Tkachuk: The leader knew that the fund was in place under the Trudeau administration, and he also knew full well that Senator LeBreton was not asking the question about the fund because her question was in respect of the sponsorship fund. I do not want to say that he is misinforming the house but he certainly seems confused, and perhaps purposely so. I do not think that Senator LeBreton deserved that kind of answer. If the current fund is the one that was established in 1996 by the Liberal cabinet, which three ministers oversaw, then perhaps the honourable leader could explain to the house what those three ministers were doing in that capacity, given that the activity has resulted in the Commission of Inquiry into the Sponsorship Program and Advertising Activities. To whom were those three ministers to report?

Senator Austin: Honourable senators, Senator Tkachuk is 30,000 feet above the facts. I addressed a question with respect to a fund that existed to deal with national unity issues. How that fund might have been employed by any particular Prime Minister and for what purposes, I gave no answer whatsoever. I have no

information to give this chamber with respect to the sponsorship fund, if Senator Tkachuk wants to use that appellation. Those matters are before the Gomery commission, where they will stay until we receive a report from the commissioner.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I presume the national unity fund still exists?

[English]

Senator Austin: Honourable senators, I will have to make an inquiry to that effect because I have not seen any signs of such a fund.

[Translation]

Senator Rivest: Honourable senators, I do not know if the Leader of the Government in the Senate is aware of it, but 54 sovereigntist members of Parliament were elected in the last election.

[English]

Senator Austin: Certainly, I am aware of that.

FINANCE

BANK OF CANADA—VALUATION OF DOLLAR—
MONETARY POLICY

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. The Bank of Canada recently changed its position on interest rate hikes stating that while it still plans to raise rates, the rise will be slower than previously thought. Higher interest rates raise the value of the dollar, at least in the short run, as cash flows from one country to another in search of higher yields. The Minister of Finance now says that he is concerned about the recent rise in the dollar and the Bank of Canada says the higher dollar is hurting economic growth.

What precisely is the government's policy as it relates to the recent rise of the dollar? Reading the comments of both the Governor of the Bank of Canada and the Minister of Finance, I am prompted to ask the leader as well what he can tell us about this new relationship between the Governor of the Bank of Canada and the Minister of Finance in respect of the setting of monetary policy?

Hon. Jack Austin (Leader of the Government): Honourable senator, there is no new relationship between the Governor of the Bank of Canada and the Minister of Finance with respect to monetary policy. The subject of monetary policy is the responsibility of the Bank of Canada.

However, the Minister of Finance will have views from time to time and will want to communicate to the public his views with respect to the Canadian economy. Interest rates are the responsibility of the Bank of Canada, which acts independently of the Government of Canada. Macro and micro economies are the responsibility of the Minister of Finance, and I suppose all honourable senators are interested in what he will have to say on February 23.

PRODUCTIVITY GROWTH

Hon. Donald H. Oliver: The Minister of Finance was reported in the *Toronto Star* on Jan 27 as saying that in the face of a rising dollar, "productivity and competitiveness will be major items on the government's agenda." The Minister also said that we had benefitted in an artificial way because of the low value of the dollar and that this "made certain economic achievement, especially in export markets, appear to be fairly easy, fairly automatic, and that might have camouflaged some other challenges we need to deal with."

Honourable senators, this government has talked the talk about innovation as far back as the original 1993 Red Book. It has put out countless discussion papers such as the agenda, jobs and growth papers, which accompanied the October 1994 economic and fiscal update one decade ago; and it has consolidated and put out background papers.

Can the Leader of the Government advise the Senate as to why more than one decade after the government identified it as a problem, productivity growth in Canada continues to lag behind the United States and why the Minister of Finance is getting around to making it a priority only now, in 2005?

Hon. Jack Austin (Leader of the Government): It is totally erroneous to assert that only now the Minister of Finance is dealing with the question of productivity. As far back as 1993, the government has given the matter of productivity and Canada's economic competitiveness top priority, and it continues to pursue the matter.

• (1410)

I suppose that the government deserves, for example, some recognition for the creation of the Canadian Fund for Innovation, which has put more than \$3 billion into research in Canadian universities in order to further the cause of productivity.

This is a contribution that has created various Canadian universities as recognized leading research centres. The universities then take the research that is done and seek patents and commercialization, recruiting private entrepreneurs to use the benefits of that research in the commercial world. This is just one of the typical programs to further Canada's competitiveness and productivity.

As Senator Oliver notes, we have had an economic shelter for a period of time because of the exchange value of the Canadian dollar with the United States dollar. However, the world trading system is changing. The increase in the value of the Canadian dollar against the U.S. dollar is largely, in my view personally — I am not the Minister of Finance — the result of U.S. fiscal policy, particularly deficits on the government and trade account that are worrying to some economists. These have caused the selling of the U.S. dollar, which has caused the rise in the Canadian dollar. This in turn, as Senator Oliver has said, challenges Canadian productive capacity.

How do we deal with this situation? It is very difficult to answer this question because the solution is in the efforts of a multiplicity of players — governments, the private sector, the educational

sector and the voluntary sector. How do we all become efficient, more productive? We have to do it together. I believe the government is leading very effectively in this area.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
CHOICE OF CORMORANT EH-101 OVER SIKORSKY S-92
AS UNITED STATES PRESIDENTIAL HELICOPTER

Hon. J. Michael Forrestall: I have a couple of questions. Might I ask the Leader of the Government in the Senate if he would allow me to associate myself with his remarks with respect to the late Ron Basford with whom I had the pleasure of serving in the other place for a number of years?

A week ago last Friday, the U.S. government picked the EH-101 over Sikorsky's S-92 as the new U.S. presidential helicopter. I would like to ask the minister how many times he and his predecessors that sit in their place over there have said that if it is good enough for the President of the United States, it is good enough for us? Now the navy has rejected it as not good enough.

John Young, Assistant Secretary of the Navy for Research, Development and Acquisitions said:

This decision truly reflects the best value and capability for the American taxpayer who is funding it, the Marines who will operate it and future presidents who will fly in it.

Can the Leader of the Government in the Senate tell us how it is that the United States purchased the EH-101 over Sikorsky's S-92 helicopter because it reflects "best value and capability," while Canada remains somewhat committed to the S-92, the paper helicopter that is to replace the Sea King?

Hon. Jack Austin (Leader of the Government): Frankly, Senator Forrestall, I have been expecting your question and waiting for you to return to this chamber to ask it.

I suppose the summary of my answer would be that different tasks make for different choices.

Senator Forrestall: That is not a bad line.

Senator Austin: I am in the position of looking at a comment by Canadian defence expert Martin Shadwick with respect to this contract. He said:

The selection of the EH-101 as a presidential helicopter does not mean that the S-92 is an inferior chopper. In fact, for Canadian naval purposes, it is probably a better choice since it is smaller than the EH-101 and better able to fly off the back of the navy's frigates.

REPLACEMENT OF SEA KING HELICOPTERS—
COST OF SIKORSKY S-92

Hon. J. Michael Forrestall: With all due respect to Mr. Chadwick, balderdash; it is damn nonsense and everybody associated with it knows that.

Even the United States' taxpayer watchdog group, Citizens Against Government Waste, lauded the navy decision, taking a swipe at United Technologies' Sikorsky, which built the current fleet and was involved in the now-defunct Comanche attack helicopter program, when it said:

Today taxpayers avoided what could have been another helicopter sinkhole.

A potential follow-on order with respect to this decision regarding the EH-101, of which Canada could have been a very significant player, could reduce the cost of that Sea King replacement to very manageable proportions for Defence officials.

The Minister of Public Works and Government Services has now held up the Sea King replacement process before the Federal Court as a model. What assurances do we have from the government that the S-92 will not become a sinkhole of taxpayers' money?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will not comment on a number of Senator Forrestall's assertions. We will just leave them as such.

Let me go through it this way. The previous 1993 contract for \$4.8 billion, which was cancelled, only included the costs for the actual helicopters. The contract for the S-92 includes all the associated costs for 20 years of in-service support. Even where the cost of contract cancellation and the upgrading of the existing fleets are concerned, the government has acquired new search and rescue and new maritime helicopters for the Canadian Forces at a price that is over \$1 billion less than would have been spent under the cancelled contract.

Senator Forrestall: I have a final question. I would leave him with an inquiry if he could shed a word on the misfortune that occurred in the North Atlantic with the loss of somebody overboard.

I conclude by asking whether or not the government could reconsider, should a case be made either through the courts or as a result of court activities or of proposals put forward, with respect to the S-92 recalling that most important bid, because it has to last us 30 or 40 years? There is a body of opinion out there that says that we are not at that crunch stage yet. There are still a lot of satisfactory reports to be dealt with before we arrive at that state.

Senator Austin: Honourable senators, on the second part of Senator Forrestall's question, I hope the government's attitude would be that it will respect the facts; and if the facts call on us for a reassessment, then we should make it. However, I do not believe there are any such facts before us at the moment.

I appreciate the honourable senator's reference to the tragic incident that occurred on HMCS *Montreal* in the Baltic Sea yesterday. HMCS *Montreal* was conducting exercises with the NATO fleet and Leading Seaman Robert Leblanc was found to be missing at sea.

While I am mentioning this item, we have had extraordinary cooperation from our allies in searching for Leading Seaman Leblanc. Of course, all of us here must recognize that this is a tragedy as well for his family and his colleagues in the navy.

HMCS MONTREAL—LOSS OF SAILOR AT SEA

Hon. Noel A. Kinsella (Leader of the Opposition): Could I ask the minister if the HMCS *Montreal* had on board its flight deck a helicopter, and was that helicopter deployed in the search when they discovered that the seaman may have gone overboard?

Hon. Jack Austin (Leader of the Government): I will obtain the answer and respond tomorrow, Senator Kinsella.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: I would draw the attention of senators to the presence in our gallery of a former colleague the Honourable Lois Wilson. Welcome back.

• (1420)

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present three delayed answers in response to oral questions posed in the Senate. The first is in response to an oral question raised on November 30 by Senator Keon regarding the elimination of child poverty.

[English]

I have a second delayed answer to an oral question raised in the Senate on the November 23 by Senator Tkachuk regarding port authorities' involvement with companies owned by the Prime Minister's family.

The third delayed answer is to an oral question raised in the Senate on November 23 by Senator Tkachuk regarding Canada Post's involvement with companies owned by the Prime Minister's family.

SOCIAL DEVELOPMENT

ELIMINATION OF CHILD POVERTY

(Response to question raised by Hon. Wilbert J. Keon on November 30, 2005)

Canada's response to Child Poverty within Canada

In 2002, the low-income rate for children (using post-tax Low Income Cut Offs (LICOs) was at an all-time low of 10.2 per cent, down from 15.7 percent in 1993.

This government has already taken steps.

This government supports low-income families with children through investments in both income and programs and services.

- In 2002-03 the Government of Canada provided \$7.7 billion in income support to low-and middle-income families with children through the Canada Child Tax Benefit
- This includes \$2.4 billion of targeted benefits for low-income families provided through the National Child Benefit (NCB) Supplement.
- By 2007-2008, benefits delivered through the Canada Child Tax Benefit will reach \$10 billion a year.

We are also taking action to improve important services for children through:

- A commitment to \$5 billion over the next five years to build a national early learning and child care system
- \$500 million each year to improve early childhood development through ECD Agreements with Provinces and Territories.
- \$1.05 billion over five years to increase the availability of affordable, quality early learning and child care.

This is in addition to programs and services across the government that support families with children such as:

- The Child Disability Benefit (delivered by CRA) and the Canada Pension Plan (SDC program) which provide more targeted income support for low-income families and those supporting children with disabilities.
- The GST Credit/Harmonized Sales Tax (HST) Credit (CRA program), a tax-free payment to help low- and modest- income individuals and families.
- The Eligible Dependant Amount for single, divorced, separated or widowed parents supporting children (delivered by CRA).
- A federal strategy on early childhood development for Aboriginal children, which includes improvement and expansion of existing ECD programs (Aboriginal Head Start, First Nations and Inuit Child Care Program, and intensification of efforts to address Fetal Alcohol Syndrome/Fetal Alcohol Effects.

We know that challenges remain and we will continue to work closely with our partners to further address the issues of child poverty.

Canada's Response to Child Poverty in Developing Countries

The Canadian International Development Agency (CIDA) mandate is to promote sustainable development in order to reduce poverty and to contribute to a more secure, equitable and prosperous world. As part of its commitment to fulfilling this mandate, CIDA has supported international development assistance efforts for children and, in fact, is a leader in this area.

CIDA works with a variety of partners in achieving results for children. For example, CIDA contributes \$13.5 million per year to support UNICEF's core work. In addition, CIDA provides other funding to support UNICEF's development projects at the country level which also includes emergency response. CIDA's funding to UNICEF in total was \$104 million in 2003 and \$88 million in 2002.

Children are an important focus of all of CIDA's social development priorities: health and nutrition, basic education, HIV/AIDS and child protection. Programming targeted at communities, families and individuals in each of these areas have a positive impact on child poverty. And the importance of gender analysis is reflected in all of CIDA's work.

Here is in greater detail some of the work CIDA has done in these four priority areas and specifically, how this work has helped children.

1. Health and Nutrition

Canada has been playing a major role in the fight against malnutrition, especially in combatting micronutrient deficiencies of key vitamins and minerals. UNICEF credits Canada as being a leader in vitamin A programs that have reached an estimated 1.5 million children, and has estimated that more than 7 million children have been born free of mental impairment associated with iodine deficiency largely because of Canada's contribution.

Canada plays a major role in the immunization of children from preventable diseases such as polio, measles and others. The Canadian International Immunization Initiative is CIDA's flagship program and currently \$80 million over five years of grant funds will be utilized by UNICEF, the World Health Organization, PAHO and the Canadian Public Health Association (CPHA).

This year, CIDA contributed \$4.3 million through the Canadian Red Cross to provide 740,000 bednets for distribution to all young children and pregnant mothers in Togo. As a result, Togo will be the first country in Africa to meet its target of having 60 percent or more of all children under five years of age sleeping under insecticide-treated bed nets.

CIDA is a key player in an effort that has reduced child mortality from measles. Since 2002, CIDA has contributed over \$47 million through UNICEF to help finance vaccination campaigns in more than 16 countries, reaching 100 million children and saving 180,000 lives. Canada has long been a champion of polio eradication. Since 1999, CIDA has committed a total of \$154 million towards the Global Polio Eradication Initiative. In addition, over the past two years CIDA has provided over \$30 million to help finance 12 emergency measles immunization campaigns in 10 countries. As of today, results have been reported for seven of these campaigns.

2. Education

CIDA's programming in education has been aimed at enhancing the access of good quality primary education for all children by 2015 and eliminating gender disparity and promoting gender equality at all levels of education by 2015. To do this, CIDA is doubling its investment in basic education in Africa to \$100 million a year by 2005 in addition to its commitment to quadruple investment in basic education globally from 2000 to 2005 for a total of \$555 million.

School feeding programs attract children to school in the first place, help keep them there and improve their learning outcomes as better nutrition reduces learning problems. In 2003, Canada contributed \$75 million through the World Food Program (WFP) for school feeding programs in five African countries (Ethiopia, Tanzania, Mozambique, Mali, and Senegal).

3. HIV/AIDS

CIDA takes a balanced and strategic approach to the HIV/AIDS pandemic, focusing on care, treatment and support, prevention, research, advocacy and leadership. CIDA recognizes that the estimated 12 million children orphaned due to the death of a parent from HIV/AIDS become more vulnerable themselves. This is why children are a priority consideration in CIDA HIV/AIDS programming.

Over the last five years, CIDA's coordinated comprehensive approach in the global fight against AIDS reached a total of \$600 million.

On May 10, 2004, Prime Minister Paul Martin announced a \$100 million contribution to the World Health Organization (WHO) Initiative to treat 3 million people with AIDS by 2005, making Canada the leading donor in this initiative against the pandemic. CIDA strongly encourages the WHO to ensure children are included in treatment programs.

Canada has long been a champion in the global effort to combat the HIV/AIDS epidemic. Funding WHO's "3 by 5" Initiative demonstrates further our deep commitment to tackle this epidemic from all angles and to address the whole continuum of the epidemic.

4. Child Protection

In June 2001 CIDA launched its Action Plan on Child Protection which promotes the rights of children who need special protection from exploitation, abuse and discrimination.

CIDA is on track to meeting the Plan's target of quadrupling funding for Child Protection to a total of \$122 million between 2000 and 2005.

CIDA programming in support of war-affected children includes the provision of basic education for refugee children, conflict resolution training, psycho-social rehabilitation, and family reunification.

For example, in Darfur children have been severely impacted by conflict — as witnesses of atrocities in their villages of origin and when displaced, experiencing drastic changes in lifestyle in coping with extreme conditions. Through a grant from CIDA, World Vision is creating child-friendly spaces for children to play and talk and return to some sense of routine and normalcy. These environments mean children in Darfur will soon be able to participate in structured educational activities and receive essential emotional support.

CIDA's \$2 million Child Protection Research Fund (over 5 years) is helping to gather information to help ensure that development interventions are grounded in the realities of children's lives. The first of the 13 projects is a study on girls in fighting forces, and has yielded groundbreaking results and influenced the policy and programming of CIDA and other donors including the World Bank and several UN agencies.

CIDA is proud to have Lieutenant-General (Ret.) Roméo Dallaire as a Special Advisor on War-Affected Children. In addition to providing policy and programming advice, he promotes Canadian public engagement on the issue through public talks across the country.

TRANSPORT

PORT AUTHORITIES—INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

(Response to question raised by Hon. David Tkachuk on November 23, 2004)

The Government released its response to Q 37 in February 2004. The Government asked the Auditor General to review the response to Q 37 and to assess reforms to the process for Order Paper Questions. In her report, the Auditor General said that the Government's answer was "reasonably complete." She noted that "the Government of Canada is a large and complex organization that faces a significant number of challenges in responding to order paper questions. These include: changes in the structure of government departments over time, changes to government information systems and the introduction of new systems, the government's policy of retaining records for the current year and the previous six years, and departmental information systems designed to meet management's needs and not necessarily structured in a way that supports responses to order paper questions." In her press conference, the Auditor General noted, "taking all that into account, I think that response is about as good as it can be," and she "recognize(d) that the government had taken positive steps to strengthen the process for preparing responses to Order Paper Questions."

On the treatment of Shared Governance Organizations, as the Auditor General report clearly notes, there is a difference of legal opinion on whether "shared governance corporations" such as Port Authorities are "agencies of the government." The Government's view is that they are not

because they do not carry out the policy and objectives of government, and therefore should not be included in the response to Order Paper questions. Moreover, the 18 Port Authorities do not depend on taxes for revenue. As such the Port Authorities were not asked to respond to Q 37.

It is important to note that a shared governance corporation is simply a corporation with respect to which the government has the right to appoint one or more directors to the corporations governing body. Therefore, being a shared governance corporation does not necessarily mean that an entity is under the control of the government, or that the government is in a position to force it to produce information. In fact, there are some 138 shared governance corporations in Canada, and many of them do not have a reporting relationship to Parliament at all.

There is not a specific recommendation on the treatment of shared governance corporations in the Auditor General's Report. However, the Government has indicated it will discuss this issue with the Clerk of the House as part of its response to Recommendation 1 in the Auditor General Report (which suggests the Clerk of the House and the PCO Clerk develop a "glossary of terms" for use by Members of Parliament in writing their Order Paper questions).

CANADA POST

INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

(Response to question raised by Hon. David Tkachuk on November 23, 2005)

The Government released its response to Q 37 in February 2004. The Government asked the Auditor General to review the response to Q 37 and to assess reforms to the process for Order Paper Questions.

In her report, the Auditor General said that the Government's answer was "reasonably complete." She noted that "the Government of Canada is a large and complex organization that faces a significant number of challenges in responding to order paper questions. These include: changes in the structure of government departments over time, changes to government information systems and the introduction of new systems, the government's policy of retaining records for the current year and the previous six years, and departmental information systems designed to meet management's needs and not necessarily structured in a way that supports responses to order paper questions." In her press conference, the Auditor General noted, "taking all that into account, I think that response is about as good as it can be," and she "recognize(d) that the government had taken positive steps to strengthen the process for preparing responses to Order Paper Questions."

Looking forward, the Government has accepted all 8 of the Auditor General's recommendations and will fully implement them. On the treatment of Crown Corporations, the authority to protect commercially sensitive information is provided in the Financial Administration Act (FAA). That said, the Government agrees with the Auditor General's recommendation that the Privy Council Office should clarify the circumstances for

which the Government would compel Crown Corporations to provide relevant information in its responses to Order Paper questions. This is a significant undertaking that will involve several departments and Ministers, and of course, the Crown Corporations. Officials have been directed to address this particular recommendation on a priority basis.

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Mac Harb moved the second reading of Bill S-22, to amend the Canada Elections Act (mandatory voting).

He said: Honourable senators, it is a pleasure and honour for me to speak at second reading of Bill S-22, to amend the Canada Election Act to make voting mandatory in Canada.

We, in this chamber, are very privileged to work on behalf of Canadians. What we cannot forget, and what some people from certain regions of Canada are keen to remind us of, is the importance of elections and voting to the ongoing stability and success of our Parliamentary democracy. Our democracy depends upon the active participation of its citizens, and, while voting is only one element of political engagement, it remains the very foundation of our democracy. Reinforcing this foundation is the goal of Bill S-22, which will establish mandatory voting in Canada.

This legislation is a direct response to a rising electoral crisis. Voter turnout has been on the decline in Canada since the 1960s, reaching a record low of just 60.9 per cent in the 2004 election. Other Western democracies are also experiencing the same dramatic drop. Only 55.3 per cent of Americans voted in the 2004 presidential election, and the 2001 British general election recorded a turnout of just 57.6 per cent.

As you may be aware, honourable senators, only one in four Canadians under the age of 25 bothered to vote in the last election. Research shows that these young people, as they age, may not re-engage in the system as their parents and grandparents did. Canadian researchers tell us that this generational shift represents a cultural change that could shake the very foundation of our democratic institutions.

Research gathered by the Association for Canadian studies also indicates that the low turnout rate effectively disenfranchises a large number of Canadians. A study done after the last election found voter turnout ranged from 62.7 per cent to 75.4 per cent in the nine ridings with the highest average income in the country. The nine ridings with the lowest average income experienced a turnout rate from 45.1 per cent to 61.5 per cent. Whose voices are being heard? Perhaps, more importantly, whose voices are not being heard?

Renowned political scientist Arend Lijphart in the United States put it this way:

A political system with the universal right to vote but with only a tiny fraction of citizens exercising this right should be regarded as a democracy in merely a... hollow sense of the term.

While analysts cite a variety of reasons for the voting decline including, sadly, disdain for politicians, apathy about the issues and the hectic demand of modern life, I believe that the most important factor is a fading sense of civic duty when it comes to voting participation in our democratic institutions.

In preparing for this legislation, I have met and corresponded with a great number of Canadians. A great many have said it is about time, and that we need this kind of signal from the government that voting is still an important element of our system. Of those opposed to the concept of mandatory voting, the most common criticism is that the bill will restrict an individual's freedom to choose whether or not to vote.

Perhaps, honourable senators, Jean-Pierre Kingsley, Canada's own Chief Electoral Officer answered this criticism best when he said, "The right to vote is only meaningful when you use it."

Honourable senators, in Canada all citizens who are at least 18 years of age on election day have the right to vote in a general election, with the exception of the Chief Electoral Officer of Canada. We fought long and hard for this right, overcoming gender, racial, religious or administrative obstacles to ensure women, judges, persons with disabilities and prisoners in correctional facilities were given the right to vote. After years of battling for the right to vote, we have lost sight of the associated duty that goes along with this right, and that is the inherent responsibility to vote.

Voting is a positive duty owed by citizens to the rest of our society, much like paying taxes, reporting for jury duty, wearing a seat belt or attending school until the age of 16. These duties are reasonable limits we put on our freedom to ensure the success of our society.

This obligation to vote must be accepted as one of the necessary duties citizens carry out in order to maintain our system of democracy and the benefits that goes with it. Other proposals for electoral reform, including lowering the voting age, proportional representation or online e-voting are all worthy of investigation, but they will not work alone.

• (1430)

We must change acquired attitudes and habits of Canadians when it comes to voting. Few methods work better than legislation when it comes to modifying behaviour for the common good. Seatbelt laws and drunk driving legislation are excellent examples.

Despite the common perception that compulsory voting is rare, it has been used with much success. In fact, 30 democracies around the world claim to have compulsory voting, although a smaller number, 16 democracies, use it with the level of support and enforcement we are envisioning here in Canada. These

nations include Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Costa Rica, Cyprus, Fiji, Greece, Luxembourg, Peru, Nauru, Singapore, Switzerland and Uruguay. Of these, the older and more developed democracies, such as Australia, Belgium, Costa Rica, Cyprus, Greece and Luxembourg, have maintained a serious commitment to the to institutionalize the compulsory voting law.

Compulsory voting was introduced in Australia in 1924 by an appointed senator by the name of Alfred Deakin. His private member's bill was in response to the declining voter turnout of 57.9 per cent in 1922. Now, Australia has consistently boasted a turnout of over 90 per cent. Compulsory voting in Belgium dates back to 1893. Currently, voter turnout in Belgium is over 90 per cent. The most recent election in the European Union revealed the tremendous power of mandatory voting legislation and the pro-voting culture it brings along. Member states with mandatory voting during the last European Union elections had remarkable turnouts, with 90.8 per cent in Belgium, 89 per cent in Luxembourg, and 71 per cent in Cyprus, as compared with countries with no compulsory voting, voter turnout was only 42.7 per cent in France, 45.1 per cent in Spain and a mere 38.8 per cent in the United Kingdom.

These mandatory voting laws are not the hardship some might claim. Australians do not feel coerced, in fact, polls in Australia show that 70 to 80 per cent of Australians support the mandatory system. There is little debate in Australia about whether compulsory voting infringes on rights. Voting is simply seen as a relatively undemanding civic duty.

Finally, honourable senators, a mandatory voting law would demonstrate to individual Canadians that the government believes voting is important and each vote has value. Nothing is more basic, but we have come to a time in our history when it must be re-emphasized.

Honourable senators, the proposed legislation is designed to re-establish electoral participation as a civic duty in our society in much the same way legislation mandating jury duty or wearing a seatbelts has ensured that our judicial system functions fairly and our personal safety is protected.

[Translation]

In fact, mandatory voting is not very well-named, since the only mandatory provision in the bill is the obligation to go to a polling place. Once the voter has received the ballot, he or she may mark the circle corresponding to the name of a candidate or to the words "none of the above", or simply place an unmarked ballot in the ballot box. Those who want to express their dissatisfaction with politicians or with the system by not voting will do so much more clearly by cancelling their ballot or putting an X beside "none of the candidates." Protesting by staying home can be mistakenly interpreted as being in favour of the status quo. A small fine is proposed for those electors who do not go to vote. It will simply be used to recover some of the expenses for the acquisition of supplies and facilities needed to hold an election. Obviously, no fine would be levied against those with a valid reason not to go to vote.

[English]

Studies show repeatedly that a mandatory voting systems without a penalty simply are not as effective as those with an even minor fee for non-voting. This system does not have to be complicated. It will not cost a great deal to administer. The Australian system has shown us that small fines are sufficient to influence a change in voting patterns. In that country, if you fail to show up on voting day, you will receive a form letter in the mail requesting that you pay a fine of approximately AUS. \$20 or provide a reason such as travel, illness, religious objections, et cetera. This takes care of about 95 per cent of the no-show cases. Only about 5 per cent of those who do not show up to vote in Australia pay a fine.

In the various stages of preparation for this proposed legislation, I have encountered some concern about the perceived contradiction with liberal democratic principles. I have mentioned already, honourable senators, many other examples of mandatory tasks that we must carry out in this country. There is no denying that we have rights and that we have the associated responsibilities to go with them. We have the right to universal health care, and we have the responsibility to pay taxes to pay for that service. We have a right to a fair trial and we have a responsibility to serve on juries to protect that right. We have a right to live in a democratic society and we have the responsibility to vote to support the very foundation of that democracy.

Canadians will still have the right to abstain. As I explained, only registered voters will be required to present themselves at the polling stations and, once there, they have the option of selecting a candidate or choosing "none of the above." They can even drop a blank ballot into the box should they choose to do so. The point is that all opinions matter and are counted, whether they are in support of a specific candidate or a rejection of the choices offered. If they are unable to vote, they need to only provide a reasonable explanation and the matter is closed.

I have also been asked about the possibility of more spoiled ballots and uninformed votes if mandatory voting were put in place. Let me assure honourable senators that spoiled ballots and uninformed votes have and always will be part of our democratic system. In the last federal election, about 120,000 rejected ballots were collected, almost 1 per cent of the total vote.

Once again, let us refer to the Australian example where 4 per cent of the Australian votes were rejected, not a significant number, given that much larger percentage of valid ballots cast. Some argue that it does not make sense to compel uninformed people to vote. Colleagues, such exposure to the voting system may actually help them to become more informed.

As one journalist pointed out, those same "uninformed citizens" are compelled to serve on juries with potentially more serious consequences. Election Canada has worked diligently to inform and educate voters, and these efforts will continue as an important element in a mandatory voting system.

[Translation]

Finally, mandatory voting would mean that voting will again become a civic duty in Canada, but not a very demanding one. Thanks to safeguards to ensure voter awareness, equality of access and the possibility of exercising one's right to vote, the bill will establish not only our right, but also our civic obligation to take part in the democratic process.

[English]

Hon. Noël A. Kinsella (Leader of the Opposition): Will the honourable senator entertain a question?

Under the Charter of Rights and Freedoms, the honourable senator will know that only three of the rights in the Canadian Charter of Rights and Freedoms are specific to Canadian citizenship, one of which is under the Democratic Rights section, the right to vote. Does he agree or disagree with the proposition that the right to vote is inclusive of the right not to vote?

Senator Harb: I thank the honourable senator for his important question. My response will demonstrate how much detail has been gone into in the preparation of this bill to specifically address this very point. I have struggled with most with this particular point, that is, whether we are infringing on the Charter or infringing on the right of the citizen to vote or not to vote.

This bill specifically deals with that in allowing the citizen who does not want to vote, not to vote. All the citizen has to do is call the returns officer or Elections Canada before voting day and he or she will not have to vote.

• (1440)

The most important thing here is to make sure that their names are not on the voters' list. Once their name is on the voters' list, they have a responsibility to vote. Should they choose to remove their name from that list, their name would be removed and will not be reinstated until they go back to Elections Canada and tells them that they want to put their name back on the list.

During the committee hearings we asked the Chief Electoral Officer a question on this specific point. He indicated that not only does Elections Canada have a list of those who are registered and able to vote but they have a list of those who do not want to be on the voters' list. They have an unofficial list of those who do not want to participate in the process, specifically to deal with this point.

Senator Kinsella: I thank the honourable senator for his view. It is a view that I do not share. It seems that this mechanism is interfering with the right to vote which, in my view, is inclusive of the right not to vote. It is similar to the Charter right of section 2(a) which speaks to more than citizens. It is everyone has freedom of conscience and religion.

I recall participating in the United Nations examination of the possibility of elaborating a convention on freedom of religion. The argument being made by representatives from around the world was that inclusive of their right of freedom of religion was the freedom to have no religion. I have a difficult time to see why that is not analogous to the democratic right to vote.

[Senator Harb]

Once the right is admitted or is recognized in law, in this instance by constitutional law, when we begin to fetter it, to interfere with it, we leave ourselves open to at least the question of whether that fettering — no matter what the loophole would be — interferes with that right.

Senator Harb: Honourable senators, a provision of the bill specifically deals with that point. If you have a reason why you did not want to vote, and you provide that reason, it is all fine. It is not a problem. It is when you say, "Look, my name is on the voters' list but I do not want to vote because I do not want to vote." I believe rights were given to citizens but along with those rights come responsibilities. Any right without a responsibility is a right that is not worth exercising.

Senator Kinsella: I thank the honourable senator for that. In his speech he drew our attention to issues of rights and responsibilities. I would like to have his reaction to this proposition, that speaks of rights and responsibility and trying to set up some kind of a dichotomy that is really a false dichotomy, that rights in contradistinction to responsibility is a false dichotomy. To say rights and responsibility, in a sense is tautologous. Would he not agree that the notion of right is a social notion, therefore it involves others and because it involves others it, therefore, by definition, involves responsibility? The concept of right is inclusive as a constituent element of the very notion of right responsibility.

Senator Harb: Honourable senators, we have a right to drive, but we do not have a right to go over the limit. We have a responsibility to go to a certain limit when exercising our right to drive. If we go above that limit we infringe on the safety of others.

We use to have a right not to wear a seat belt. Before seat belts were introduced as mandatory mechanisms, the compliance rate was quite low. After the law was introduced making the wearing of seat belts mandatory, the compliance rate was over 95 per cent.

Senator Stratton: Not in the West.

Senator Harb: Therefore, I would suggest that while I have a right to sit in my car and drive it wherever I want, there are responsibilities that go along with that right.

I would tell my colleagues that this particular legislation is not any different from any other legislation. It takes into consideration what we as citizens are enjoying as rights, as well as what we as citizens have as a responsibility.

Senator Kinsella: Perhaps the honourable senator would reflect on this example: If someone was living on an island and were the only person on the island and stood up and declared, "This is my pen. I have a right to this pen." Would that be a proposition that made any sense, there is nobody else around? The right to that property is only meaningful when there are others around.

In other words, the whole notion of right is a social notion. It is necessary to at least have a dyad, at least two people involved. My point, that to speak of rights on the one hand and responsibility on the other, as if they are in a dichotomous relationship is not

conceptualizing of right because right itself is inclusive of the notion of responsibility. We do harm to the integrity of the notion of right by speaking of it as if it is somehow on one side of the ledger and it is matched by responsibility on the other.

Senator Harb: Inclusiveness does not negate or make exclusive responsibility. The two go hand in hand in everything we do in life. Wherever we have a right to something we have a responsibility to something else. As my colleague said, we do not live on an island by ourselves. That is the whole notion. We built a society with strong foundations, democratic foundations.

When a society comes to a point where only a fraction of it is participating in the decision-making process, only a fraction of it decides who will rule them, who will make regulations, who will decide their future then it is quite alarming to the collective interest of the society. Therefore, the democratic institution that is at the time in charge of the affairs of that society have a responsibility to take action. I would say, colleagues, there is no one more equipped than this house, this chamber, to look at this issue objectively.

If we were to leave it as it is, if we were to look at the trend from the 1950s until now, voter turnout has consistently declined, election after election after election. It does not matter who you talk to. If anyone with any sense of imagination or logic looks to the next 15 to 20 years, they will see, quite well, that we have a democracy in crisis. We are not alone, colleagues. France has the same problem. Britain has the same problem. Our colleagues to the south have the same problem, and other democracies are faced with the same situation.

• (1450)

It does not matter. We cannot talk about democratic deficit, which is nothing more than shirking our responsibilities, without inclusiveness of the notion that we as citizens have a responsibility to fully participate in society when it comes to electing our officials. Reducing the voting age to 16, what is the point? If only one of every four of those youth are participating in the democratic process it is not changing a lot, it does not answer the question. It is almost like a bird ducking his or her head in the sand thinking everything is fine. In the end, honourable senators, what we must do is give it a chance. Bring in the experts. Let us see what has happened elsewhere, see what others have learned from experimenting with this notion. I would suggest that it has been most successful. Let us bring in experts to answer the honourable senator's question about whether or not this infringes on the Charter of Rights. He is quite right in raising the point. Others have also raised it. I take the position, honourable senators, that it does not. In the proposed legislation, a voter still has a right not to vote. This would not take away that right. That person may have to pay a fine, or have to provide an explanation, but at the end of the day, that right remains in tact.

[Translation]

Hon. Madeleine Plamondon: Honourable senators, was consideration given to providing those who do vote with some kind of benefit? For instance, individuals who support a political party financially get tax deductions. So, instead of approaching the problem of very low voter turnout with a penalty, which people find repulsive, we could give a tax deduction, could we not?

Senator Harb: That is an excellent question. Frankly, I thought about it. Unfortunately, as you know, bills cannot be initiated in the Senate which would impose a financial obligation on the government. We cannot introduce such bills. I thought about it.

Going that route would cost the treasury too much money. The issue of a group participating in the democratic process is interesting to us, especially where young people are concerned. If a voting incentive is offered, everyone will want to take advantage of that. But this is not the matter at hand. We want to resolve a problem.

Senator Plamondon: How can it be democratic to grant a tax deduction to a political party and undemocratic to request the same for voting? Essentially, the idea is to get the vote out. There is this concern that if we get the vote out and give voters a tax deduction, they will all turn out and we will not have enough money. What is it we want? Turnout or money? We need to find a means of achieving the objective. That is the purpose of the tax deduction. It would apply both to the less well off as well as to the more well off who support political parties.

Senator Harb: I would very much like this bill to be referred to a committee, if the Senate deems it feasible. I have no objection. My primary concern is that we have a democratic deficit in our society, which needs to be addressed. And as far as young people are concerned, as I said earlier, there is nearly one in four who vote. That is all.

[English]

Hon. Anne C. Cools: Honourable senators, I do agree with the honourable senator that there is a problem in our country. I would describe the problem as the alienation of voters and the diminution of electoral input.

However, when I consider the problem, I conclude that the democratic deficit is actually the failure of political leaders and their inability to address the citizens of this country. It is a failure of politics. It is a failure of political parties, but it is mostly a failure of leaders and leadership. I come to an opposite conclusion from that of the Honourable Senator Harb.

I have two questions: First, what studies has the honourable senator performed or what evidence has the honourable senator deduced in respect of ascertaining the causes of this voter alienation? I should like to know what method and what evidence the honourable senator has used.

Second, in assessing that evidence, why was the conclusion of the honourable senator to resort to a coercive process against electors and why did he not come up with the alternative of perhaps coercing our political leaders for not having either the strength of moral conviction or the force of intelligence —

Senator Mercer: It is not just our leadership.

Senator Cools: — to be able to speak to the public? I have a big problem with that. Leadership today is all about show business. They don costumes and go on stage. Any day of the week, you can point to many individuals who are merely actors impersonating ministers of the Crown.

Why did the honourable senator come to the conclusion that those to be targeted are the ordinary, poor citizens? Why did he not look at a scheme that called upon political leadership to address these problems? I want to know this because this is a problem everywhere in this country. Everywhere in this town, some people consider others to be too ignorant, too boorish or too backward.

Some Hon. Senators: Oh, oh.

Senator Cools: They have to be fixed to be corrected, and the way to fix them is to pass another law.

Senator Mercer: Come on.

Senator Cools: Everyday, there is another law. Come on nothing, Senator Mercer. If you have something to say, get on your feet and say it. Every single day —

Senator Mercer: You really have become a Conservative.

Senator Cools: Every day you pass another law to fix and correct the people of Canada. I want to know the basis for that; I know politics in this country. I challenge those in politics to face the issues and face the public.

Could the honourable senator give me a response? Why does he want to punish poor people of Canada?

Senator Harb: Underlying all of this, there is a certain attitude which is, "I don't want to vote because nobody cares about my opinion. Why should I vote? My vote doesn't count" In fact, some would say that not voting gives the opposite message. By not voting, you may be giving the false impression that you are satisfied.

A lot of research indicates that people are not voting because everything is fine, and everything is going well. As my colleague just outlined, there is something else to it. There is voter apathy. People are upset with the politicians because of a lack of responsiveness, because there is no accountability, because there is lack of leadership, et cetera.

Honourable senators, those points are impressive, but I am reminded of the question about the chicken and the egg. Which should come first? Should we ask citizens to come en masse and vote and make a decision about whether they want to throw out all the leaders they do not like, or should we leave them alone. If we choose the latter, my fear is that, at some point, in time we will have the special interest groups, a small minority in our society, deciding who will govern our society between elections.

I would add that I did entertain the idea of having a sunset clause in the legislation. We could propose it for one election and conduct a review after that. After five years, we could have a review of the legislation to find out whether or not it is meeting its objectives. If not, we can kill it. If it meets its objectives, then that is great.

The second part of the question dealt with what sorts of studies have been done. I will be happy to provide the honourable senator with a number of studies on both sides of the matter. Some will espouse the position that the honourable senator has taken, which is that there is voter apathy because of lack of leadership. Others find that there is a lack of voter turnout because everything voters think the status quo is fine. In the end, we all know that there is absolutely something wrong with the system as it is now.

As senators, we have a responsibility. We are supposed to be the chamber of sober second thought, and we have a responsibility and a civic duty that this country has probably never seen before. We have to examine the low turnout and the low participation in our democratic institutions. If, at the end of our examination, we come to the conclusion that everything is fine and we need do nothing, I will not shed a tear if this legislation does not see the light of day.

• (1500)

Senator Cools: I find it very interesting that the honourable senator has admitted that our democratic institutions have a democratic deficit. Therefore, it seems to me that a consequence of that deficit is voter apathy. You really have the situation reversed.

If you are going to make laws to coerce or punish people who do not vote, do you also intend to make a law for this place, to coerce members of Parliament who do not wish to vote or who wish to abstain? If you can bring a law for one, you can bring a law for all. Once you start to move into those vital areas of life — and this government has gone into every other vital area of life — where do you stop? Do you intend to bring an amendment to your bill that will influence apathetic members of Parliament, like all the members who quite often vote as the government tells them to vote without even knowing what they are voting on?

I have served in this place for 20 years; I know this game very well. I want to know if the senator's bill contains a clause to treat members of Parliament as he is proposing to treat the citizens of Canada.

Senator Harb: There is no such intention.

Senator Cools: Nonsense.

On motion of Senator Stratton, debate adjourned.

STUDY ON DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Agriculture and Forestry, entitled: *Value-added and Agriculture in Canada*, tabled in the Senate on December 14, 2004.—(Honourable Senator Fairbairn, P.C.).

Hon. Donald H. Oliver: Honourable senators, I thank Senator Fairbairn for yielding to me that I may speak on this report of the Standing Senate Committee on Agriculture and Forestry.

I am certain that you are aware that farmers across this country are facing unrelenting difficulties in forging a living from the land and from their livestock. In my capacity as a member and former chair of the Standing Senate Committee on Agriculture and Forestry, I witness the deep commitment of farmers to carry on despite these difficulties which, as you know, are often a result of circumstances beyond their capacity to control.

I am further encouraged by the opportunities and renewed optimism of new initiatives in agriculture. I am referring to value-added agriculture, a subject on which the Standing Senate Committee on Agriculture and Forestry heard testimony during the second and third sessions of the Thirty-seventh Parliament.

I would like to share with you today my views on some of the valuable input the committee received on this issue from farm groups, agri-food trade representatives, farmer-owned cooperatives, cottage industry producers, the internal trade secretariat and government officials from various federal agencies and departments.

First, I must admit that adding value to agriculture is not a new idea, but its importance is new and so are the opportunities. Value added is the source of a new growth in agriculture. It provides a means to help farmers adapt to the sweeping changes facing agriculture in Canada and around the world. I want to address these changes, but first I would like to describe what I mean by value-added agriculture.

Value-added agriculture covers a wide range of business strategies and activities that extend beyond conventional farming and marketing of bulk commodities. It is organic vegetables; it is corn-produced ethanol fuel; it is agri-tourism; it is candied apples, ready-made cereals and, of course, quality wine.

In a broad sense, value added is anything that enhances the dimensions of a farming business. It is the innovation that modifies, improves or introduces new products, new product uses and new production methods that add value, in the opinion of the consumer, to a product.

Value added on the farm is a result of the necessity to adapt to a changing environment. The Canadian agriculture and agri-food system has transformed significantly over the last two decades. This transformation was spurred by changing consumer preferences, advances in science and technology and by multi-national agreements such as the World Trade Organization agreement on agriculture that put agriculture at the forefront of international trade negotiations.

Increased trade leads to increased competition and, as a result, farms are growing in size to survive, but they are also diversifying and specializing in premium markets.

In 2002, Canada was the fourth-largest agriculture and agri-food exporter in the world and the fifth-largest exporter. Over the last 15 years, the value of exports of consumer-oriented products has more than quadrupled while the export value of bulk commodities has roughly stayed the same. Market power over these years has increasingly shifted to the retail end of the food chain. When I was chair of the Agriculture Committee, I heard that the top five retail companies in Canada represented 60 per cent of the market and that still further concentration in the marketplace was a possibility.

Consumer preferences are also changing. Canada's aging population and the slower growth of disposable incomes are contributing to a slowdown in the growth of food spending as a percentage of total expenditures. This makes the food industry very competitive. Not only is the food industry highly competitive, but it is also increasingly segmented. Many consumers want ready-made convenience foods, which means that the distance between the farmer and the consumer may even increase. On the other hand, new food value chains are creating opportunities for farmers. There is a growing demand by consumers for specialty products, notably those that appeal to health conscious, lifestyle conscious and the non-traditional ethnic consumer.

Further, consumers are becoming more aware of the production process that goes into their food. More and more consumers are influenced by the origination of their food — how it is grown, how it is processed and how it is prepared. It is clear the agriculture industry is changing and value-added strategies are responding to this change.

I would now like to talk about the different themes that were raised during the Standing Senate Committee on Agriculture and Forestry hearings. The core attribute of the agriculture and agri-food industry is food safety. In many ways, value added begins with food health and safety. In an environment where consumers are more knowledgeable and more discerning about their food purchases, on-farm safety systems and informing consumers about these systems can serve as the first step in increasing value for the farmer and for the industry.

The public sector plays an essential role in initiating and enforcing a regulatory environment and officially recognizing standards that safeguard and promote trust in the agri-food system, keeping in mind the concerns of industry and consumers on issues related to the harmonization of regulatory regimes within our trading partners.

Canadians have trust in the health and safety of their food. One of the lessons of the BSE crisis was that Canadian consumers continued to hold Canadian beef as a safe and high quality product. This was in evidence when Canadians increased their consumption of domestic beef during the summer months that followed the BSE announcement in May of 2003. Domestic confidence in the food system is highly important, particularly if access to export markets becomes restricted. However, the government must ensure that this trust is maintained. There is a concern that the costs of meeting regulatory health and safety obligations make it prohibitive for many new smaller-scale

entrepreneurs to earn income from small value-added niche markets or farmers expanding into food processing. The federal government should consider increasing its funding and efforts to help small-scale food processors reach and maintain high health and safety standards.

• (1510)

Many honourable senators are certainly aware of the remarkable success story of the Canadian wine industry. In less than two decades, Canadian wines emerged from a stigma of lesser quality to being highly acclaimed and sought after premium wines, winning awards and competing side by side with the more traditional wine producing countries. This was accomplished through the concerted effort of the domestic wine industry to reposition Canadian wines as a premium product through a quality certification process called the Vintners Quality Alliance, VQA, which imposed stringent production labelling and taste quality standards on the product. The lesson here is quality certification. The adoption of quality standards can help farmers move beyond the homogenous nature of primary agricultural products so that it is not simply a matter of growing grapes. Quality standards are important in developing premium categories in food products and it helps to position Canadian products in elite markets. It serves to enhance Canada's reputation in export markets where benefits spill across the Canadian agri-food sector. It also develops a sense of national pride in the purchase of domestic products.

Quality standards are usually grounded under provincial or federal legislation, which provides protection from false quantity claims and labelling misuses. Appropriate national standards and the development of national regulation are imperative in maintaining and increasing export markets.

I would like to say a word about organic agriculture. A case in point is the organic agricultural sector, which is a driver in new growth in value-added agriculture. However, this growth is slowing. The number of new certified organic farms in Canada has flattened. This is not due to a lack of demand since annual growth in the consumption of organic products is in double digits now. This growth is being met by imports mainly from the United States. Some have attributed the slowdown in the growth of Canadian organic farms to the lack of national regulation. To clarify, there is a national standard but there are no national regulations.

The system is voluntary, which means that it is not mandatory for a product to be certified to be sold as an organic product. The situation creates problems for exporters. In the absence of a Canadian regulatory system that would be recognized by importing countries, Canadian exporters have been accredited by regulatory authorities in the importing countries. Canada must not lag behind its trading partners so we urge the federal government to provide leadership and to work with the provinces and with the organic industry to put in place national organic regulation standards.

I want to share with honourable senators a story of Atlantic cattlemen working together to move up the food value chain. The committee heard encouraging testimony from the Atlantic Beef

Producers Cooperative — a new generation cooperative owned and controlled by independent maritime cattle producers. I know that a number of senators in this chamber are unaware of cattle production in Atlantic Canada but it exists.

The cooperative is establishing a kill-cut plant in Prince Edward Island in partnership with Co-op Atlantic, a maritime retailer. Both cooperatives are working together with the three Maritime provinces to supply branded beef, which is already established as “Atlantic tender beef classic” in grocery stores. This is an excellent example of value-added where regional producers work together to move up the value chain.

Moreover, Atlantic beef can take advantage of their size and unique circumstance to establish a branded plant that is flexible to consumer needs by offering full traceability or by specifying specific feed requirements to member producers so that the product is of a consistent quality.

New generation cooperatives, such as the one I have described, are exciting arrangements that add value by forward linking and providing farmers a take in the processing and manufacturing of farm commodities. However, there is a concern that the United States offers more financial incentives for creating new generation cooperatives than are available to Canadian producers. It is important that we fully endorse new generation cooperatives. Therefore, I urge the federal government to investigate options such as loan guarantees and other measures that increase access to capital for farmers considering the purchase of new generation cooperative shares.

It is also necessary for us to look at the concept of supply management. As you are aware, poultry, egg and dairy industries operate under a national supply management system in Canada. Supply management enables farmers, through regulation, to capture greater value from the food value chain. It provides farmers with a larger portion of the consumer dollar. Farmers operating under a supply management system receive protected returns for their product and, therefore, there is a concern that it creates less incentive to seek value-added ventures. To its credit, the supply management system has adopted more flexible policies and has fostered dialogue with stakeholders with respect to value-added strategies, particularly for producer-owned cooperatives, in some cases within the organic sector.

However, more can always be done. I am concerned about the small niche market operations that have low revenues and simply cannot survive at their current scales of operation if they are required to purchase expensive quotas.

Value added is market driven. It is borne out of a necessity to adapt. Farmers are adjusting the way they do business by adapting to changing consumer preferences. Consumers in increasing numbers are looking for authentic farm and food experiences. More and more consumers are planning their leisure activities around agri-tourism attractions. This may consist of pick-your-own products on farms, bed and breakfast farm accommodations, farmers markets, fairs, festivals, roadside

markets, maple sugar shacks, and wine tours and seminars. Agri-tourism is an expansion of the food experience. A visiting consumer is often looking for diversion, education or active involvement in the activities of the farm. Agri-tourism also serves to link urban consumers to our rural communities, which are rich in heritage and central to our nation's identity.

I am excited about the opportunities that regional branding offers the farming industry. Regional product branding can highlight distinctive taste and quality of a particular food product by linking it to unique attributes of a region. This may include its cultural heritage or its landscape. Regional branding gives an added identity to the product which farmers can utilize to differentiate from competitors.

Attributes such as food health and safety, quality standards and environmentally sustainable production methods are an important component of a national or regional branding formula. The reality is that it takes persistent marketing to attract “Made in Canada” premium label recognition outside of our borders. Even within our borders, many Canadian consumers are often unaware of the origins of the food products that they purchase. More and more effort must be undertaken and funds must be devoted to marketing Canadian premium products domestically and abroad.

The importance of research and innovation in fuelling and expanding the sphere of value-added opportunities should be of no surprise to this chamber. The emergence of new commodities and new applications of existing commodities is made possible through product innovation. It is at the forefront of efforts to initiate new crops of livestock systems.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired. Is he seeking leave to continue?

Senator Oliver: Honourable senators, I request leave to continue for five to seven minutes.

Hon. Senators: Agreed.

Senator Oliver: The advances in science and technology are occurring at a rapid pace. There is an increasing level of convergence among disciplines within the life sciences and other fields related to agriculture and the agri-food sector. We must ensure that proper links and coordination occur among government research centres, colleges and universities, and private sector laboratories to help minimize duplication and to foster knowledge and technological transfers.

• (1520)

It is a fact that, as a resource-rich country, the trading of primary resources in bulk commodities has been an historic part of the growth of the Canadian economy. The trade of bulk commodities will continue to make up an important part of the Canadian agriculture and agri-food economy. However, the competition for primary commodities sold in bulk with lower value-added, promises to be fierce in future years. Recent trade

negotiations and agreements, such as those of the WTO, have increased international agricultural trade, and many emerging economies have the capacity for high yields at low production costs, while other countries still maintain the capacity to subsidize their farming sector. This is having a profound impact on agriculture in Canada.

Canada must be ready for the new agriculture. We are well positioned to be a leader in value added. We have a well-educated workforce, research and technology facilities, food distribution infrastructure, respected health, safety and quality enforcement and regulatory systems, a competent public sector and a strong stable economy. We must foster a culture of innovation.

We must also work to address the trade impediments that serve to reduce the trade in value-added products. The use of tariff rate escalation by our trading partners must be reduced.

I am particularly concerned with the impediments to internal trade within this country. In 1994, First Ministers signed the Agreement on Interprovincial Trade. The agreement helped to reduce internal trade barriers for issues related to labour mobility and government procurement. It also served to raise the profile of internal trade barriers.

However, I am concerned that certain articles related to internal trade within the agriculture chapter of the agreement have not been carried out. I am referring to article 902.4 of Chapter 9 that directs the ministers to complete a review of the scope and coverage of, and any recommendation for changes to, this chapter with the objective of achieving the broadest possible coverage and further liberalizing internal trade in agricultural and food products. Also article 903.2a of Chapter 9, which directs the ministers to undertake a comprehensive review of the framework governing supply managed commodities and implement an action plan towards the development of sustainable orderly marketing systems, has not been carried out. It is important to minimize unnecessary barriers to trade. The country benefits if producers and processors have fair and free access throughout the domestic market.

In conclusion, I would stress the strong social and economic ties that farming activities have with the rural economy. This, for me, increases the import of value-added agriculture initiatives where the benefits spill over beyond the farm. Value-added agriculture is seen as a way to increase employment and revitalize rural communities; reduce economic risks associated with trade action; diversify the economic base for rural communities; increase financial stability; promote a culture of research and innovation; reduce dependency on the world price of commodities; increase opportunities for smaller farms and companies through niche markets; increase quality and brand recognition of regional and Canadian products; promote collective solutions and partnerships among the food value chain; and help retain young farmers.

Honourable senators, value added is a good news story for a sector that is in need of good news stories. Canada is well positioned to be a world leader in value-added agriculture. We must ensure, for the future of our rural communities, that these new opportunities are fully captured by the farming sector.

On motion of Senator Fairbairn, debate adjourned.

[Translation]

NATIONAL EARLY LEARNING AND CHILD CARE PROGRAM

INQUIRY—DEBATE ADJOURNED

Hon. Rose-Marie Losier-Cool rose pursuant to notice of February 3, 2005:

That she will call the attention of the Senate to the future national early learning and child care program, and in particular to the staff that will provide the services offered under this program.

She said: Honourable senators, I am taking the liberty today to draw your attention to a topic of current interest, namely the brand new national early learning and child care program that our government promised last fall.

As was announced, a second conference will be held in Vancouver, on February 11, and will be attended by the federal, provincial and territorial ministers responsible for this issue. The conference will provide more details about the new program. Also, some of the financing for this initiative could be announced in the federal budget that should be tabled on February 23.

[English]

The program as a whole should be launched officially during the next fiscal year 2005-2006. This program speaks to me because I have raised children, because I have grandchildren and because I have seen how much society has changed over the past 20 or 30 years.

Thanks to incredible amount of information that is available out there today, and thanks to the unbelievable technology that exists to mine this information, today's youth should be much better prepared to tackle society and the workplace than we were in my own youth. This program could help ensure that this will indeed be the case.

[Translation]

I am taking an interest in this issue as a former educator. We used to think that the formation of the adult began in elementary school. Now, we know that it begins at a very early stage in life, in the first year, long before a child begins to attend school.

The progress made in the medical and psychosocial fields shows how important early childhood is in the long-term development of a person's emotional, behavioural and intellectual well-being.

Child care services have been available in Canada for a number of years, but some mentalities have not yet completely changed. Some still believe that a day care centre is like a parking lot. However, an increasing number of people are now talking about preschool educational care, which is my favourite expression.

Preschool educational care is the first stage of a child's structured learning. In fact, the federal government has recognized and legitimized this change of mentality in its new national program. The notion of learning has taken precedence over the mere notion of care. Learning is an essential added value without which child care would merely be a service provided to parents, instead of being a developmental tool for children and society. Preschool learning has a huge impact on a child's development and success in elementary school.

Today I want to focus on two aspects of the future national program announced by the federal government and they are the skills of preschool educators and access for minority francophones to preschool educational services. I am not the only one who wants our young children to be entrusted only to skilled educators.

This issue came up frequently during the child care services conference I attended in Winnipeg in November. I am not the only one who wants our young francophone children to benefit from preschool educational services in their mother tongue, regardless of where they live in this country. It is what all organizations advocating the rights of francophones in minority situations want as well.

In my opinion, the success of a preschool educator hinges on five key conditions: proper recruitment, proper training, proper placement, proper professional development and proper working conditions.

All five of these conditions combined will allow preschool educators to provide our young children with a valuable and enriching learning experience. What do I mean by proper recruitment? There need to be enough employees to satisfy demand while respecting the maximum number of children per employee.

• (1530)

There must always be enough employees when preschools need them. This means constant recruiting with an eye on future needs. Educators must be familiar with the living conditions of the young children in their care, which may mean local or regional recruiting. The same holds true for francophone preschools in minority communities.

During the initial stage of recruiting and before specialized training, each candidate must meet minimum and ideally standardized national requirements, in terms of education and psychological profile. In my opinion, a high school diploma is an acceptable minimum level of education. We must avoid recruiting pedophiles, aggressive, asocial people, or individuals whose personal values go against accepted social norms. Naturally, the quality of French of candidates hired to work in francophone preschools must be up-to-par.

What do I mean by "proper training"? Once recruited, these candidates must receive specialized training to teach them how to educate young children while ensuring their mental and physical well-being. This training, which should be standardized across Canada, should be sufficiently long and serious enough to

reassure parents, adequately prepare young children for elementary school and enhance the skills of preschool educators.

We want happy children, parents and staff. In my opinion, a preschool educator should receive training that is as long and as rigorous as that for many professions taught in community and technical colleges. Consequently, this structured training should last at least 12 to 18 months, and perhaps even 24 months. The accreditation bestowed as a result of such a diploma should also be recognized from one province and territory to another. This training should cover all of the most current pedagogical, medical, psychosocial and socio-economic knowledge available.

[English]

The need for specialized, structured and thorough training is unmistakable. A recent report by the OECD on child care in Canada reveals that existing caregivers are too often insufficiently and improperly trained and some caregivers are university graduates.

Four years ago in my home province of New Brunswick, less than 20 per cent of the regulated child caregivers had a degree in child education and 61 per cent of all caregivers had no specialized training in early childhood care. Honourable senators, you see how much work needs to be done.

[Translation]

Let us move now to the third condition, proper placement. Once they have been recruited and trained, preschool educators play an invaluable role in the development of our children.

Again it is essential that these educators be in the right place at the right time! After graduation, a new employee should be put into the workplace as quickly as possible, not only to maintain motivation and make use of new knowledge, but also to avoid disenchantment or a loss of professional commitment due to a long period waiting for work.

Ideally, as well, a new employee should be given work in the region, city or care centre of his or her choice. This is not only a matter of keeping the worker happy, but also of making best use of an affinity for and knowledge of the children or the community in which he or she will be working. A new francophone employee should be placed on a priority basis in a francophone child care centre.

Each region should be properly served by an appropriate number of early childhood educators so that parents are not forced to send their children elsewhere or to do without child care services.

An early childhood educator is a little bit like a car, if I may use an analogy. Regular maintenance is important to long and useful service. That leads me to my fourth condition, proper professional development.

The initial 12, 18 or 24 months of specialized training is not enough. Like any worker who has to keep abreast of changing techniques, new discoveries, the latest trends and new methods, early childhood educators must be able to benefit from continuing

professional training. When they begin their careers they should be assigned to mentors; experienced workers who will help them to find their rightful place. These workers also need to be able to take part in upgrading workshops and regional or national conferences. They should be provided with printed, electronic or telephone-accessed bulletins on the latest findings.

Obviously, these documents, workshops and other resources that I am talking about must be available in French when they are intended for francophone workers because people learn best in their own language, and the right to work in French in regions where numbers warrant is a recognized right. For the same reasons, a new francophone worker should be assigned to a francophone mentor.

Let me turn now to the last of my five conditions, which is proper working conditions. To make a useful contribution, an early childhood educator must be well trained, properly assigned, and kept up to date professionally; however, the most important condition is that he or she should be happy on the job. Professional satisfaction comes from good working conditions, a good salary and employee benefits, the opportunity for promotion and pride in one's work. A happy worker will want to stay on the job and an experienced worker is even more useful and valuable in the medium and long term.

The OECD report that I referred to earlier shows that too often the staff of Canadian child care centres are underpaid and subject to frequent turnover. At the request of the federal government, on November 9, 2004, an organization representing the interest of these workers published an update on its 1998 study. The update confirmed the low salaries and poor working conditions of the staff, including a ratio of children to workers that is much too high. In New Brunswick, the average salary for a day care worker in 2001 was less than seven dollars an hour. You have all heard the comparison: that is less than a zoo guard is paid.

No money, no respect, too much work, often too many related duties, cleaning, administration and all the other things that take the workers away from devoting time to their main concern, our children. All these problems make the work less interesting and undervalued. And yet, the role of an early childhood educator is just as important, perhaps more important, than elementary and secondary school teachers. Doesn't it make sense that we should make their working conditions as satisfying as those of teachers?

[English]

Of course, talking about working conditions means talking about big bucks. Our government has indicated it would invest quite a bit of money in its upcoming national child care program. This is a great start indeed. I congratulate our government for biting the bullet but I can assure honourable senators that the program will require more than \$5 billion over the next five years to secure and retain qualified, early childhood educators.

Moreover, beyond the actual dollar amount, we will want the monies to be evenly shared between the infrastructure — which means facilities and supplies — the oversight framework, meaning the national standards; and the staff macro managing the actual

child care educators. There should be enough money set aside on an ongoing basis for recruiting, training, paying and keeping these educators. I do not say that \$5 billion is not enough.

[Translation]

Should the funds come from the federal government? No, the provincial governments ought to contribute as well, along with the municipal level and even the private sector. After all, parents who are satisfied because they have access to good early childhood services are going to be more likely to keep working for a given employer, in a given city or a given region.

It was totally logical from the economic point of view to invest in quality early childhood education, because young children who benefit from it will grow up into more cost-effective adults, if I may put it that way.

• (1540)

I will now conclude by emphasizing that in establishing the qualifications of our future early childhood educators, we cannot forget that French is one of Canada's two official languages. As I was saying, ideally francophone children will have access to early childhood education in French, no matter where they live our great country.

In its position statement published on November 25, 2004, the Commission nationale des parents francophones, or CNPF, emphasized that the various stakeholders and levels of government involved in developing the national program should recognize the needs and priorities of francophone communities in terms of language, culture and identity. This recognition could be funded by bilateral framework agreements such as the current Canada-community agreements. The CNPF recommended that in addition to hiring francophone staff, the francophone early childhood education centres should be managed by francophones as well.

Honourable senators, I want to end on that note. I encourage you to support the development of a national early childhood education network which has qualified staff and where French has its place.

[English]

The Hon. the Speaker *pro tempore*: The speaking time for the honourable senator has expired.

Hon. Joan Fraser: Is there permission to accept one question?

Hon. Bill Rompkey (Deputy Leader of the Government): We would agree to a five-minute extension.

Senator Fraser: Thank you colleagues, I do not think this will take five minutes.

[Translation]

I congratulate Senator Losier-Cool; this was extremely interesting. I would like to ask the honourable senator if she is as attentive, and I do hope so, to the situation of anglophone minorities in Quebec as she is to the needs of francophone minority communities.

[Senator Losier-Cool]

Senator Losier-Cool: I thank you for your question and, as you know, the early childhood services in Quebec are a model. I am not familiar with the situation of early childhood daycare for anglophone minorities. What I can tell you, though, is that Senator Pépin will be discussing the situation of Quebec, and I will let her know that I would like that point to be addressed.

Being part of a minority makes you understand minorities better, and anglophone minorities in Quebec will certainly be brought to my attention.

Hon. Eymard G. Corbin: I would like to take advantage of the five-minute question period to inform the honourable senators of and invite them to attend the meetings of the Standing Senate

Committee on Official Languages scheduled for February 14, and March 7 and 21, to consider the education of the francophone minority across the country, from early childhood to university. We have decided to limit our study to one area at a time, in order not to confuse things. You are all invited to our meetings.

Senator Losier-Cool: I will do my best to attend.

On motion of Senator LeBreton, for Senator Cochrane, debate adjourned.

The Senate adjourned until Thursday, February 10, 2005, at 1:30 p.m.

CONTENTS

Wednesday, February 9, 2005

	PAGE		PAGE
SENATORS' STATEMENTS		National Defence	
The Late Honourable Stanley Ronald Basford, P.C., Q.C.		Replacement of Sea King Helicopters—Choice of Cormorant	
Hon. Jack Austin	663	EH-101 Over Sikorsky S-92 As United States	
Policy on Bank Mergers		Presidential Helicopter	668
Hon. Donald H. Oliver	663	Hon. J. Michael Forrestall	668
Mr. James Beaumont		Hon. Jack Austin	668
Congratulations on Winning U.S. Silver Medal Piobaireachd.		Replacement of Sea King Helicopters—Cost of Sikorsky S-92.	
Hon. Catherine S. Callbeck	664	Hon. J. Michael Forrestall	668
Quality End of Life Care		Hon. Jack Austin	669
Hon. Lucie Pépin	664	HMCS <i>Montreal</i> —Loss of Sailor at Sea.	
Black History Month		Hon. Noel A. Kinsella	669
Hon. Mobina S. B. Jaffer	665	Hon. Jack Austin	669
<hr/>		Distinguished Visitor in the Gallery	
ROUTINE PROCEEDINGS		The Hon. the Speaker <i>pro tempore</i>	
National Security and Defence		669	
Notice of Motion to Authorize Committee to Meet During Sitting		Delayed Answers to Oral Questions	
of the Senate.		Hon. Bill Rompkey	
Hon. Bill Rompkey	665	669	
L'Assemblée parlementaire de la Francophonie		Social Development	
Tenth Summit, November 23-27, 2004—Report Tabled.		Elimination of Child Poverty.	
Hon. Rose-Marie Losier-Cool	665	Question by Senator Keon.	
<hr/>		Hon. Bill Rompkey	
QUESTION PERIOD		669	
Transport		Transport	
British Columbia—Effect of Congested Commercial Corridors.		Port Authorities—Involvement with Companies Owned	
Hon. Noël A. Kinsella	665	by Prime Minister's Family.	
Hon. Jack Austin	665	Question by Senator Tkachuk.	
Effect of Congested Commercial Corridors—		Hon. Bill Rompkey	
Revitalization of Eastern Seaboard Ports.		671	
Hon. Noël A. Kinsella	666	Canada Post	
Hon. Jack Austin	666	Involvement with Companies Owned by Prime Minister's Family.	
Prime Minister's Office		Question by Senator Tkachuk.	
National Unity Reserve Fund.		Hon. Bill Rompkey	
Hon. David Tkachuk	667	672	
Hon. Jack Austin	667	<hr/>	
Hon. Jean-Claude Rivest	667	ORDERS OF THE DAY	
Finance		Canada Elections Act (Bill S-22)	
Bank of Canada—Valuation of Dollar—Monetary Policy.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Donald H. Oliver	667	Hon. Mac Harb	
Hon. Jack Austin	667	672	
Productivity Growth.		Hon. Noël A. Kinsella	
Hon. Donald H. Oliver	668	674	
Hon. Jack Austin	668	Hon. Madeleine Plamondon	
		675	
		Hon. Anne C. Cools	
		676	
		Study on Development and Marketing of Value-added Agricultural,	
		Agri-food and Forest Products	
		Report of Agriculture and Forestry Committee—Debate Adjourned.	
		Hon. Donald H. Oliver	
		677	
		National Early Learning and Child Care Program	
		Inquiry—Debate Adjourned.	
		Hon. Rose-Marie Losier-Cool	
		680	
		Hon. Joan Fraser	
		682	
		Hon. Bill Rompkey	
		682	
		Hon. Eymard G. Corbin	
		683	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 34

OFFICIAL REPORT
(HANSARD)

Thursday, February 10, 2005

—

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, February 10, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON FORTY-ONE YEARS IN PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, today we observe a very special day in the chamber. Today is the forty-first anniversary of the first election to Parliament of our colleague Marcel Prud'homme. He and I have been colleagues for 33 years, both in this chamber and in the House of Commons. As many of us remarked last year, Senator Prud'homme is a remarkable parliamentarian who has proven himself, over four decades, to be a credit to the chamber and to Parliament as a whole.

[Translation]

I would like to offer my warmest and most sincere congratulations to the Honourable Senator Prud'homme. I hope that he will be able to continue his work in the Senate with the same commitment and energy that he has always shown.

[English]

FAST TRACKING HIGHLY SKILLED IMMIGRANTS

Hon. Donald H. Oliver: Honourable senators, Canada will be facing a critical workforce shortage in the next decade. The only way to meet this shortage is to expand our immigration policies and fast track highly skilled immigrants to Canada. Canada currently has a ratio of five workers to every retired person. With the pending retirement of the baby boom generation, this ratio will drop to about two and a half workers for every retired person.

Canada, and indeed nearly all Western nations, are facing a decline in population. Canada welcomes more than 200,000 immigrants annually, more than 50 per cent of whom have professional skills or academic accreditation. Immigrants are more likely than native-born Canadians to possess a university degree, according to the Conference Board of Canada. In other words, these skilled immigrants come ready, willing and able to become active contributors to our knowledge-based economy. However, when many highly skilled immigrants arrive in Canada, instead of being met with open arms they are met with barriers such as the non-recognition of their foreign credentials.

An example is the medical field. Most provinces require graduates of foreign medical schools to take at least four years of post-graduate medical training at a Canadian university, but in

2003 only 16 per cent of foreign-born candidates were able to receive any training, according to the Canadian Information Centre for International Credentials, and of the 1,200-plus internships available to medical students, only 83 were awarded to immigrants in 2003.

Honourable senators, this simply cannot continue. Statistics Canada predicts that Canada's death rate will exceed our birth rate in less than 15 years. Canada's median age is already 37 years. The classic age pyramid of the baby boom generation has been inverted. In comparison, the current median age in India is 24 years; in the Philippines, 21 years; in South Africa, 25 years; in Nigeria, 19 years and in Indonesia, 26.

As you can see, honourable senators, Canada's future economic prosperity depends on our ability to attract the highly skilled workers that these countries produce. That will determine whether Canada wins or loses in the world economy in the years to come.

In conclusion, we simply cannot wait for the other countries to pass Canada in the global competition for talent. We must expand our immigration policy to meet the workforce shortage that Canada faces.

THE ASIAN TSUNAMI

CONTRIBUTIONS TO RELIEF EFFORT OF AYSHA WILLS

Hon. Tommy Banks: Honourable senators, all Albertans are proud of the many millions of dollars that they have raised and given for tsunami relief. I want to talk about a particular person in Edmonton, of whom all Edmontonians are justly proud. Her name is Aysha Wills, and after the tsunami disaster she set out to raise money from her colleagues at school. She is a very talented young musician who plays many different instruments, but is also, as you will hear, a very talented and confident individual.

Her undertaking grew like Topsy. She continuously pushed the edge of the envelope to see just how far she could push it. She convinced the proprietors of the Winspear Centre for Music in Edmonton to give her the use of the concert hall for the night of Friday, February 4. She then convinced her music teachers to talk to their friends who play in rock bands and pop bands or are folk singers. She talked to another of her music teachers who plays in the Edmonton Symphony Orchestra, who then talked to the musicians and got the cooperation and free services of the entire Edmonton Symphony Orchestra. She lined up five or six great attractions, some of which are very famous and well-known. She publicized the concert and organized the several other donations, particularly from the employees of Telus Corporation and from Telus Corporation itself. She put on a concert before 1,400 people and raised in excess of \$750,000 that night, on her own hook.

• (1340)

Aysha Wills is 10 years old. Without her “stick-to-it-iveness,” her determination, her vision and her belief in herself that she could do this, none of it would have happened. None of us would have volunteered. None of those facilities would have been made available.

As was said on that night by Kevin Taft, the Leader of the Liberal Party in Alberta, she demonstrated irrefutably the power of one — that one person setting out to make a difference can make a difference which is, in respect of their own contributions, exponentially greater. I hope all honourable senators will join me in offering Aysha Wills the congratulations of the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

PARTNERS FOR SOCIAL DEVELOPMENT ON LANAUDIÈRE

Hon. Lucie Pépin: Honourable senators, I would like to draw your attention to an important community initiative that was recently implemented by the Lanaudière Table of Partners for Social Development. The project, known as the “Development Plan for a Healthy, Well-Housed Region,” seeks to improve the living and housing conditions of at least 45 low-income households. Community stakeholders became aware of the increased incidence of respiratory problems, especially asthma, among people living in housing with by poor air quality, excessive humidity and mould.

I applaud the vision and innovation of the partners in this project who so clearly identified housing as a determining factor in terms of health. Like us, they recognized that social factors such as poverty have a direct effect on the health of the population and that the prevention of sickness is much more effective than its treatment. Health is more than the absence of sickness, and it should be measured in terms of the real well-being of Canadians. We can treat asthma in hospitals and clinics but the best proof of wisdom and long-term vision is to take steps to prevent it in the first place.

The “Development Plan for a Healthy, Well-Housed Region” project embodies those public health and prevention values along with a philosophy of community solidarity. On Tuesday, February 8, on behalf of the Minister of Health, I announced a major contribution to this project from the Population Health Fund. These funds will be used to identify 45 households that spend more than 30 per cent of their income on housing in the municipalities of Chertsey, Saint-Barthélemy and Saint-Calixte. The focus is on single mothers, the elderly, disabled persons, low-income families and people living alone. These households will work closely with stakeholders to find cost-effective solutions to the health problems identified. To carry out this work at the lowest cost, the community will form a veritable network of merchants, professionals and residents who want to make a

contribution in the form of surplus construction materials and tools, as well as by sharing their expertise and their time. The whole town will be able to play a role in improving housing conditions in the community.

The organizers of the project plan to hold information sessions on health problems related to air quality in housing accommodation for all the residents of the community.

I want to take this opportunity to remind the Minister of Finance, as he gets ready to table the budget on February 23, of the importance of investing more money in social housing and in public health. In my opinion, it is essential to support initiatives such as this one because they enhance the quality of life of our fellow citizens and help to prevent health problems.

Once again, I offer my sincere congratulations to the Lanaudière Table of Partners for Social Development for having initiated the “Development Plan for a Healthy, Well-Housed Region” project. I applaud their initiative and wish them every success.

[English]

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

Hon. Nick G. Sibbeston: Honourable senators, the Aboriginal Peoples Committee has been dealing with Bill C-14, which will implement the Tlicho Land Claim and Self-Government Agreement. Over the last two weeks, the committee has worked diligently and has completed its review. Later today I will present the committee's report.

The Tlicho people have shown a great interest in our parliamentary system. Some have come here to Ottawa and have followed the process of this bill since it was introduced in the House of Commons. Many more have watched the CPAC coverage on television in their home communities.

A large delegation travelled from the Northwest Territories to witness the last two committee meetings of our Senate committee this week. Nearly 80 Tlicho citizens have come, including many youth and Elders, and some are present in the gallery today to observe the next step in the democratic process of the treatment of their bill. They have told me how impressed they are with the way in which their interests have been carefully considered and dealt with by the Senate. They respect the rules and procedures whereby matters are reviewed carefully and good decisions are made. They likened the Senate and its duty to provide sober second thought to the role that Elders have in their society. They look forward to third reading and Royal Assent of Bill C-14.

Although many of them must return to their homes tomorrow, they assure me that there will be Tlicho present to witness this historic event of third reading and Royal Assent, whenever it occurs.

In appreciation for the work of the Senate, the Tlicho would like to perform a tea dance in our foyer when the Senate adjourns today. For a brief moment, let the halls of Parliament resonate with the chanting and dancing of the Tlicho people. All of you are welcome, and a reception will follow after the dance.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of members of the Tlicho, led by Chief Charlie Nitsiza, who is in the company of their chief negotiator, Mr. John B. Zoe as well as many Elders and young Tlicho people. Welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

PARKS CANADA AGENCY ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, February 10, 2005

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, which was referred Bill C-7, An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts, has in obedience to the Order of Reference of Thursday, December 9, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

REPORT OF COMMITTEE—THIRD READING

Hon. Nick G. Sibbeston, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, February 10, 2005

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-14, An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to

make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts, has in obedience to the Order of Reference of Monday, December 13, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICK G. SIBBESTON
Chair

The Hon. the Speaker: When shall this bill be read the third time?

Senator Sibbeston: Honourable senators, it would give me great pleasure to move third reading of this bill today, but I would not be so presumptuous. Therefore, I move that this bill be placed on the Orders of the Day for third reading at the next sitting of the Senate.

Hon. Gerry. St. Germain: Honourable senators, I seek the floor.

The Hon. The Speaker: We have a non-debatable motion. Are you asking for leave, Senator Sibbeston? If you are, I could provide time for an explanation.

Senator Sibbeston: Yes.

• (1350)

Senator St. Germain: Honourable senators, I respect Senator Sibbeston's comment, but I do recognize that this is an exceptionally special circumstance, and would ask that we proceed to third reading forthwith. In this instance there are extenuating circumstances that go far beyond the parliamentary system.

Present in our gallery are numerous Elders who, for years, have been anticipating the passage of this legislation. In the spirit of Tlicho, every citizen participates in the process.

Therefore, after consulting with the Leadership of the Opposition and members of the opposition as a whole, who have reacted positively to my request, I would ask the Senate to grant leave so that we may proceed to third and final reading of the bill now.

Hon. Senators: Hear, hear!

Hon. Jack Austin (Leader of the Government): I rise on the same basis as Senator St. Germain. I thank him for the statement he has just made.

This side is most eager to see the bill passed today. This demonstrates a level of concord and cooperation that is admirable and speaks well of this chamber. It particularly speaks to the Tlicho people and the work they have done, their presence here and the importance of the passage of this bill to their future.

The Hon. the Speaker: Shall I take it, honourable senators, that leave is granted?

Hon. Senators: Agreed.

The Hon. the Speaker: I will then put the motion.

It is moved by the Honourable Senator Sibbeston, and I will say seconded by the Honourable Senator St. Germain, if he agrees, that, with leave of the Senate, and notwithstanding rule 58(1)(b), this bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

QUARANTINE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, to prevent the introduction and spread of communicable diseases.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

Hon. Bill Rompkey presented Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, NOVEMBER 28-30, 2004—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the meeting of the Standing Committee of

Parliamentarians of the Arctic Region held in Brussels, Belgium, from November 28 to 30, 2004.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— COMPETENCY OF SIKORSKY H-92

Hon. J. Michael Forrestall: Yesterday, I had a brief conversation with the Leader of the Government in the Senate about a facility that might accommodate a number of senators.

• (1400)

It had to do with giving the leader notice of the questions I will ask. It is a reasonable idea, and I will start that process with respect to my questions, so that answers might be fuller, more accurately researched and thus serve the interests of the subject matter. However, today I must apologize because the questions I am about to ask would have been excellent ones to start with.

Yesterday, the government leader quoted Martin Shadwick with respect to the H-92 contract award and said the following:

In fact, for Canadian naval purposes, it is probably a better choice since it is smaller than the EH-101 and better able to fly off the back of the navy's frigates.

That is incorrect. While it is smaller, I would ask the leader to come clean and admit that the H-92 does not yet have a tail fold, meaning it is not yet a naval helicopter. One has never been put on nor has one ever flown off the back of a frigate or a destroyer. His comments relate to capability and the fact that the EH-101 was designed for the naval environment and the H-92 was designed for land-based commercial purposes.

Lastly, the EH-101 was designed for operations from our City class frigates. The H-92 was not.

Could the leader of the government confirm this for the chamber?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have the information that Senator Forrestall is requesting at the moment. I did quote Mr. Shadwick, who is a well-known defence consultant and advisor, and I took his answer as accurate. However, if there is additional information, I will certainly seek it.

HMCS MONTREAL—LOSS OF SAILOR AT SEA

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to respond to Senator Kinsella's question yesterday about the disappearance of Leading Seaman Leblanc. The question was whether there was a helicopter on the deck and whether it was employed in the search. The answer is yes.

Hon. J. Michael Forrestall: Honourable senators, I am very pleased to hear that. I appreciate the early response.

• (1410)

REPLACEMENT OF SEA KING HELICOPTERS—
COSTS RESULTING FROM CHANGES
AND DELAYS IN SELECTION PROCESS

Hon. J. Michael Forrestall: Honourable senators, yesterday the government leader got into mathematics, costs and so forth. He said that the previous 1993 EH-101 contract for \$4.8 billion, which was cancelled, only included the costs for the actual helicopters. He went on to state the following:

The contract for the H-92 includes all the associated costs for 20 years of in-service support. Even where the cost of contract cancellation and the upgrading of the existing fleets are concerned, the government has acquired new search and rescue and new maritime helicopters for the Canadian Forces at a price that is over \$1 billion less than would have been spent under the cancelled contract.

That is misleading and not accurate. As a point of fact, the contracts signed for the EH-101 in 1992-93 were for less than \$4.3 billion, including basic vehicle, mission systems, spare parts, and long-term in-service support. The Chrétien Liberals, whose honesty has been made famous with the Gomery inquiry, inflated that number to \$5.8 billion for 43 helicopters, not \$4.8 billion, as the government leader suggested.

Can the leader confirm the following facts and, if not, make them available to the chamber: cost of the EH-101 cancellation, 43 helicopters, \$496 million; Sea King maintenance costs for the years 1994-2010, plus upgrades to the tune of \$100 million, for a grand total of \$740 million; cost of 15 EH-101 search and rescue helicopters, \$790 million; cost of 20 years in-service support, \$1.7 billion; cost of 28 H-92 mission systems, \$2.9 billion; cost of in-service support for over 20 years, \$3 billion; Department of National Defence document on risk analysis identified extra contingency costs of \$220 million, extra lost economies of scale, \$100 million, extra training costs, \$20 million, and extra support costs, \$40 million.

That is a total cost of \$10 billion for the Liberal Party's replacement, or almost double the \$5.8 billion claimed in 1994.

Can the leader confirm the facts, or should I promote him to kindergarten?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Forrestall has made a series of statements. I am not in a position to respond to the detail or to the argumentative nature of the question, but I will seek the government's answer with respect to the comparative costs of the helicopters. I gave the answer yesterday on behalf of the government, and I will now seek an answer that comments on the numbers and statements that Senator Forrestall has provided. I will not respond in the chamber, but will treat it as a question to be responded to in writing.

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL INCOME STABILIZATION
PROGRAM—SUGGESTED CHANGES

Hon. Leonard J. Gustafson: Honourable senators, my question is to the Leader of the Government in the Senate. I gave notice to the leader that I would be raising this question. Since the house is in such a congenial mood today, we hope to hear a positive response to this question, which relates to farm income and the problems farmers have been facing.

The Canadian Agricultural Income Stabilization Program is a good program, but it is not working for a number of farmers. Some changes could be made to improve the program without necessitating the creation of a new bureaucracy and a new program. I am referring to two problems that exist. One is that the farmer must have some money up front. For many farmers that is not a problem. For others, though, often those who need it most, it is a problem because they have no money in their NISA program which they can move into a bank account. This should be changed to assist younger farmers and farmers most in need.

The second problem relates to margins. If a farmer has two, three or four poor crops his margin will be so low that it will not trigger the program. Again, assistance is not available to those who need it most. This problem was discussed in committee with the minister.

Many farm groups are saying that, if some changes were made, this would be a fairly good program.

The timing on this matter is important because the Minister of Finance and the Minister of Agriculture and Agri-Food will be reviewing agricultural matters in advance of bringing down the budget, which will be soon. Would the minister carry these proposals to cabinet, to Mr. Goodale, the Honourable Minister of Finance, and to the Minister of Agriculture and Agri-Food, so that these two problems can be dealt with in a positive way and so that a fairly good program will work even better?

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate the notice Senator Gustafson gave me with respect to this question about this very technical program.

I would advise the Senate that the Canadian Agricultural Income Stabilization Program, CAIS, is designed to integrate two objectives, one of which is the stabilization of income and disaster coverage. It is essentially a safety net for agricultural producers. It takes the place of two programs that were discussed previously in this chamber, and those were the Canadian Farm Income Program and the Net Income Stabilization Account Program. This program is in the nature of a safety net. Producers apply in their various provinces, and they pay into the program.

The difficulty that Senator Gustafson mentions refers to declines in income. Of course, farmers get back what they have paid into the program, but the government contribution is geared to the trend line. The result is that, if producers are in difficulty, nothing in this program will rescue them from the trend line of their production losses.

I have begun discussions with the Minister of Finance on this issue. He has told me that he will brief me further in the next few days.

I ask the honourable senator to raise the question again next week when I have a more detailed grasp of how this program is being administered and whether consideration is being given to changes in the administration of it.

Senator Gustafson: Honourable senators, I appreciate the answer of the leader. There may be up to 40 per cent — and that is only an estimation — of farmers that this program does not address the way it might if these changes were made.

HEALTH

COMPENSATION TO HEPATITIS C VICTIMS

Hon. Ethel Cochrane: Honourable senators, in late November of last year the federal government announced that it would finally provide compensation for all the victims of hepatitis C, reversing its policy of six years. At that time, the Minister of Health said that he would enter into negotiations with all tainted blood victims regarding options for financial compensation. In the months that have passed since, we have not heard much from the federal government as to how far the talks have progressed or whether they have even begun. It is important to act quickly on this matter, as many people have already died waiting for this recognition from the federal government.

Could the Leader of the Government in the Senate please make inquiries and inform us of the status of these talks?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will endeavour to do so as quickly as the information is made available to me.

Senator Cochrane: Honourable senators, could the government leader assure the Senate that the federal government's commitment of last November to compensate all tainted blood victims will be reflected in the upcoming budget?

Senator Austin: Honourable senators, unfortunately, it is never open to any minister but the Minister of Finance to give any assurances of what might be contained in a budget.

FINANCE

TRUST FUNDS FOR DAYCARE AND TO REDUCE HEALTH CARE WAITING TIMES

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, there are widespread reports that the Minister of Finance plans to create a daycare trust fund out of this year's surplus, parking the money until the government figures out how to spend it. As well, through Bill C-39, the government proposes to pay \$4.25 billion into a trust fund to reduce health care waiting times, all of which will be presumably booked to this year even though the government's documentation from last September's first ministers' meeting shows the money flowing to the provinces over a five-year period.

Could the leader advise the Senate whether the Minister of Finance has sought the advice of the Auditor General for the proposed accounting of these expenditures?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot advise whether any minister has sought the advice of the Auditor General prior to an announcement of government policy but, of course, the Auditor General is in constant communication with senior officials in departments with respect to the effective application of government procedures.

I can advise the Senate that the Auditor General will be tabling her next report on February 15, but I cannot tell honourable senators what its contents will be.

ACCOUNTING PRACTICES AS BETWEEN TRUST FUNDS AND THE EMPLOYMENT INSURANCE FUND

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, the custom of the government, at least in the last few Parliaments, has been to take the money that has been allocated, whether it is over one year, three years or five years, and expend it in the current fiscal year, in many cases putting it aside into a trust fund. Apart from the examination by the Auditor General, that becomes a problem and it is a problem we are concerned about here.

The government is planning to create a daycare fund, and once money has been deposited into that fund, it will no longer be part of the accounts of the Government of Canada. Thus, it is expended immediately.

Conversely, the government has another fund where it takes a completely different approach to accounting. Could the leader explain why it is appropriate to treat money in the Employment Insurance Fund as part of the government's books but not the assets of a trust fund?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government has followed the practice of earmarking funds, placing them in foundations and trust accounts because of the demand by the provinces to have a reliable financing cycle. That demand, it strikes me, is entirely reasonable. A government program starts, but the parliamentary calendar is year by year. The practical requirement for provinces disbursing funds to third parties involved in national programs — entering into employment or contributing to other funds or in other ways participating — is to have a stable cycle. I believe that the government is using pragmatic and functional processes.

With respect to Employment Insurance, Parliament set up the current system through legislation, and that is, indeed, being examined again as a matter of policy. For the time being, by the decision of Parliament, the Employment Insurance Fund is part of consolidated revenue.

Senator Stratton: Honourable senators, as I understand it, that account in general revenues is somewhere in the range of \$48 billion. If we can justify the use of trusts to put aside money for use in the future, surely to goodness we could treat the Employment Insurance Fund in the same manner. In other words, we could put sufficient funds aside into a trust so that it

will be available on a rainy day. Instead, we take the \$48 billion and put it into general revenue and then crow about how we have reduced the debt. Certainly, the government used that money to reduce the debt, but why does it not have the gumption or integrity to tell Canadians that it will take that money, put it aside into a trust and thereby use it for a rainy day. No, the government would rather reduce the debt and fool Canadians into believing that they are honestly doing something for Canadians.

• (1420)

Senator Austin: Honourable senators, I cannot understand why Senator Stratton does not understand that the entire balance sheet of the Government of Canada stands behind the Employment Insurance commitment of this government.

We do not need to set money aside and say that that is all there is, that if we run out of those funds there is nothing more and that is too bad for the beneficiaries. With the Employment Insurance Fund on the balance sheet, the Government of Canada serves as the guarantor that the program will never be deficient.

Some Hon. Senators: Hear, hear.

Senator Stratton: Honourable senators, why do we need \$48 billion to do that? If the government guarantees it, surely to goodness \$15 billion would be sufficient, not \$48 billion.

Senator Austin: Honourable senators, I acknowledge that Senator Stratton is making a political argument. The system with respect to those who rely on Employment Insurance has never failed. The Government of Canada has its obligations under that program. The rest of it, honourable senators, is basically a political argument about who gets credit for what when dealing with the deficit. We can continue that one for a long time.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer in response to an oral question raised in the Senate on December 1, 2004, by Senator Oliver regarding the Jean Chrétien Pledge to Africa, status of commitments.

FOREIGN AFFAIRS

JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— STATUS OF COMMITMENTS

(Response to question raised by Hon. Donald H. Oliver on December 1, 2004)

Industry Canada and Health Canada must adopt regulations before the *Jean Chrétien Pledge for Africa* legislation can come into force. Both departments pre-published draft forms of their respective regulations in the October 2, 2004 edition of the *Canada Gazette, Part I*. This was followed by a 75-day public comment period, which ended on December 16, 2004.

Industry Canada and Health Canada have received a number of comments from key stakeholders, including the generic and brand name pharmaceutical industries and

various NGOs. The two Departments are currently examining those comments to ensure that the final text of the regulations strike the best possible balance between facilitating the flow of life-saving pharmaceutical products to developing countries and maintaining the integrity of Canada's intellectual property regime.

I have been advised that Industry Canada and Health Canada are aiming to have the final text of the regulations published in the *Canada Gazette, Part II*, in the next few weeks.

While the coming into force of the legislation may be close at hand, we must keep in mind that this legislation is solely designed to allow for third parties to obtain compulsory licences to export cheaper drugs to developing countries. In this respect, its ultimate success will depend on the participation of Canada's pharmaceutical industry, NGOs and importing countries.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS— ANTI-TERRORISM ACT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 1 on the Order Paper—by Senator Lynch-Staunton.

JUSTICE—CORPORAL PUNISHMENT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Carstairs.

HEALTH—ACTION PLAN OF THE CANADIAN STRATEGY FOR CANCER CONTROL

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 4 on the Order Paper—by Senator Carstairs.

TRANSPORT—CHARGES UNDER SECTION 43 OF THE SMALL VESSEL REGULATIONS

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 5 on the Order Paper—by Senator Spivak.

AGRICULTURE AND AGRI-FOOD— BOVINE SPONGIFORM ENCEPHALOPATHY

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 8 on the Order Paper—by Senator Spivak.

HERITAGE—GATINEAU PARK

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 9 on the Order Paper—by Senator Spivak.

NATIONAL DEFENCE—
MARITIME HELICOPTER PROJECT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Forrestall.

HERITAGE—464 MEECH LAKE ROAD

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 7 on the Order Paper—by Senator Gill.

ORDERS OF THE DAY

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to notice of February 9, 2005, I move:

That the Standing Senate Committee on National Security and Defence have power to sit at 3:15 p.m. on Tuesday, February 15, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, could we have a brief explanation, please?

Senator Rompkey: Honourable senators, there was a meeting to have been held on Tuesday past, but the honourable minister was incapacitated at that time and could not attend and asked that the meeting be rescheduled for next Tuesday at the same time.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, this seems to be business that is brought to the chamber from one of the Senate standing committees. I am curious to find out whether the Deputy Leader of the Government is moving this motion in his role as an *ex officio* member of that committee or if there is another reason why.

I thought that it was a good practice that in committee matters, should a chair of the committee not be present, the deputy chair, if present, stands in. Although I do know that the Deputy Leader of the Government attends to everything that is going on in all the committees, usually the executive of given committees have more detailed information. I am curious as to the process.

Senator Rompkey: Honourable senators, I began the process because the committee was travelling at the time and I am simply following through.

I agree with the Leader of the Opposition that this is not a practice that we should follow normally.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Subject-matter referred to the Standing Senate Committee on Legal and Constitutional Affairs on February 2, 2005*)

Hon. Pierre Claude Nolin: Honourable senators, we have the proposed legislative sequel to the cruelty to animals. Along with my colleagues on the Standing Senate Committee on Legal and Constitutional Affairs, we have an in-depth understanding of the problem.

I hope that we will adopt what Senator Bryden is proposing as soon as possible, which is to augment the penalties associated with the crime that already exists in the Criminal Code.

For those honourable senators who listened to the speech of Senator Bryden, it is a perfect example of a good summary of the saga surrounding the three years of discussion in your Legal and Constitutional Committee. There remains open, however, discussions on such topics as what is the status of an animal, are they half human being? We must clear the air about why we should change those infractions from the property section of the Criminal Code to another section or chapter of the code. That is still for the government to decide.

It is a good proposal. As soon as we send this bill to committee, as we did for the other bills, we will closely examine the proposal by Senator Bryden. I believe this bill will be dealt with rapidly and we can send it to the House of Commons and at least get the agreement of Parliament on what is acceptable. For the rest, life is long.

On motion of Senator Rompkey, debate adjourned.

• (1430)

SPAM CONTROL BILL

SECOND READING— SUBJECT MATTER REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey (Deputy Leader of the Government): If there was agreement, honourable senators, I wonder if we could adopt the motion saying that the bill be not now read a second time but that the subject matter be referred to a standing committee. If that is agreeable then I would make that motion. The committee would be the Standing Senate Committee on Transport and Communications.

Hon. Terry Stratton (Deputy Leader of the Opposition): This side would agree with it. The only unfortunate part is that the sponsor of the bill is not available at this time, but we see no problem with that.

Senator Rompkey: The sponsor and I had a short conversation yesterday and I believe he is agreeable to the course of action.

I therefore move:

That the bill be not read a second time now but that the subject matter be referred to the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: Just to clarify for the table, do you wish the matter to stand on the Order Paper during that time?

Senator Rompkey: Yes, the item would stand in its place on the Order Paper.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 15, 2005, at 2 p.m.

The Hon. The Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 15, 2005, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, February 10, 2005

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0			
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08							
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10		
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13							
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	04/12/14				04/12/15	04/12/15	27/04
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14				04/12/15	04/12/15	28/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14				04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10							

CONTENTS

Thursday, February 10, 2005

	PAGE		PAGE
SENATORS' STATEMENTS			
Honourable Marcel Prud'homme, P.C.		Agriculture and Agri-Food	
Congratulations on Forty-one Years in Parliament.		Agricultural Income Stabilization Program—Suggested Changes.	
on. Bill Rompkey	684	Hon. Leonard J. Gustafson	688
		Hon. Jack Austin	688
Tracking Highly Skilled Immigrants		Health	
on. Donald H. Oliver	684	Compensation to Hepatitis C Victims.	
		Hon. Ethel Cochrane	689
Asian Tsunami		Hon. Jack Austin	689
Contributions to Relief Effort of Aysha Wills.		Finance	
on. Tommy Banks	684	Trust Funds for Daycare and to Reduce Health	
		Care Waiting Times.	
Partners for Social Development on Lanaudière		Hon. Terry Stratton	689
on. Lucie Pépin	685	Hon. Jack Austin	689
		Accounting Practices As Between Trust Funds and	
Tlcho Land Claims and Self-Government Bill (Bill C-14)		the Employment Insurance Fund.	
on. Nick G. Sibbeston	685	Hon. Terry Stratton	689
		Hon. Jack Austin	689
Visitors in the Gallery		Delayed Answer to Oral Question	
on. the Speaker	686	Hon. Bill Rompkey	690
<hr/>			
ROUTINE PROCEEDINGS			
marks Canada Agency Act (Bill C-7)		Foreign Affairs	
Bill to Amend—Report of Committee.		Jean Chrétien Pledge to Africa Act—Status of Commitments	
on. Tommy Banks	686	Question by Senator Oliver.	
		Hon. Bill Rompkey (Delayed Answer)	690
Tlcho Land Claims and Self-Government Bill (Bill C-14)		Answers to Order Paper Questions Tabled	
Report of Committee—Third Reading.		Public Safety and Emergency Preparedness—Anti-terrorism Act.	
on. Nick G. Sibbeston	686	Hon. Bill Rompkey	690
on. Gerry. St. Germain	686	Justice—Corporal Punishment.	
on. Jack Austin	686	Hon. Bill Rompkey	690
		Health—Action Plan of the Canadian Strategy for Cancer Control.	
Quarantine Bill (Bill C-12)		Hon. Bill Rompkey	690
First Reading.	687	Transport—Charges Under Section 43 of the Small	
		Vessel Regulations.	
General Synod of the Anglican Church of Canada		Hon. Bill Rompkey	690
Private Bill to Amend Act of Incorporation—First Reading.		Agriculture and Agri-Food—Bovine Spongiform Encephalopathy.	
on. Bill Rompkey	687	Hon. Bill Rompkey	690
		Heritage—Gatineau Park.	
Canada-Europe Parliamentary Association		Hon. Bill Rompkey	690
Meeting of Standing Committee of Parliamentarians of		National Defence—Maritime Helicopter Project.	
the Arctic Region, November 28-30, 2004—Report Tabled.		Hon. Bill Rompkey	691
on. Lorna Milne	687	Heritage—464 Meech Lake Road.	
		Hon. Bill Rompkey	691
<hr/>			
QUESTION PERIOD			
National Defence		ORDERS OF THE DAY	
Replacement of Sea King Helicopters—		National Security and Defence	
Competency of Sikorsky H-92.		Committee Authorized to Meet During Sitting of the Senate.	
on. J. Michael Forrestall	687	Hon. Bill Rompkey	691
on. Jack Austin	687	Hon. Terry Stratton	691
		Hon. Noël A. Kinsella	691
MCS Montreal—Loss of Sailor at Sea.		Federal Nominations Bill (Bill S-20)	
on. Jack Austin	687	Second Reading—Debate Continued.	
on. J. Michael Forrestall	688	Hon. Pierre Claude Nolin	691
		Spam Control Bill (Bill S-15)	
Replacement of Sea King Helicopters—		Second Reading—Subject Matter Referred to Committee.	
Costs Resulting from Changes and Delays in Selection Process.		Hon. Bill Rompkey	692
on. J. Michael Forrestall	688	Hon. Terry Stratton	692
on. Jack Austin	688	Adjournment	
		Hon. Bill Rompkey	692
		Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

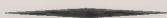
VOLUME 142

•

NUMBER 35

OFFICIAL REPORT
(HANSARD)

Tuesday, February 15, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, February 15, 2005

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 10, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified Royal Assent by written declaration to the bill listed in the Schedule to this letter on the 10th day of February, 2005, at 5:40 p.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Tuesday, February 10, 2005,

An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts (*Bill C-14, Chapter 1, 2005*)

Senator Austin: Forty years ago, today's national flag of Canada was first raised on the Peace Tower. For the past 40 years that flag has served as a major national symbol of this country.

Honourable senators, there are only a very small number of people in this chamber today who were present on February 15, 1965. I can name some: Senator Fairbairn, Senator Forrestall, Senator Gustafson, Senator Grafstein. I was here as well to watch that very important occasion. At that time I was Executive Assistant to the Honourable Arthur Laing, Minister of Northern Affairs and National Resources, later to become Senator Arthur Laing. It was a moving event. It was not easy to bring about a national consensus with respect to this flag. The process was arduous. Many choices were offered. Frankly, for a time, I favoured a different flag, but that is no longer of any national significance.

I am very happy, honourable senators, that after that difficult period, Canadians have been united under that flag. There is no debate in this country with respect to that national symbol and the Maple Leaf flies proudly in Canada and around the world.

Hon. Marjory LeBreton: Honourable senators, today we mark the anniversary of a milestone in our history. On this day, 40 years ago, Canada officially raised a new national flag. A red and white Maple Leaf replaced the Red Ensign on February 15, 1965, a day I remember vividly because I was in the throng of people at the foot of the Peace Tower when the new flag was raised.

Although this is the flag's fortieth anniversary, the path toward its creation actually began in 1925 when a Privy Council committee first looked into changing the design. Today's *National Post* has an excellent essay entitled: "A flag turns 40: In 1963, Lester Pearson promised Canada would have an official flag within two years. He delivered." Indeed it was Conservative Prime Minister R. B. Bennett who first raised the issue of a distinct Canadian flag in the 1930's, but it was only after World War II when Parliament began to actively pursue this issue and actively seek a new flag. At that time, a joint committee of the Senate and House of Commons received well over 3,000 submissions — and remember, this was just after WWII — with the interesting result that only 14 per cent wanted the flag to feature the Union Jack while 60 per cent suggested some version using the maple leaf.

• (1410)

SENATORS' STATEMENTS

FLAG DAY

Hon. Jack Austin (Leader of the Government): Honourable senators, today is Flag Day.

Hon. Senators: Hear, hear!

It was not until Canada was nearing its centennial year that the search for a design yielded results, and a new symbol of our national identity was chosen. History credits two men with the honour of having created Canada's flag: Mr. John Matheson, who headed the all-party parliamentary committee comprised of, among others, seven Liberal and five Progressive Conservative MPs charged with recommending a suitable flag; the other gentleman was Dr. George Stanley, who provided the flag's design by submitting a sketch of a red maple leaf against a white background bordered in red on both sides.

It is important to stress the all-party nature of the exercise, because we have been subjected to a hearty dose of revisionist history here, at times. Many Conservatives, including me, felt it was time to have our own distinct flag, although I must confess I preferred Mr. Pearson's choice of red maple leaves with a blue border. I am glad to see that the government leader agrees.

In the end, I believe that Mr. Matheson and his all-party committee gave Canadians an emblem of which we can all be proud. This new flag was quickly embraced and is now a recognized Canadian symbol reflecting our history and collective values.

BLACK HISTORY MONTH

Hon. Terry M. Mercer: Honourable senators, this February is the tenth anniversary of Black History Month, a celebration of the history, pride and achievement of Black Canadians. This event was first officially recognized in 1995 as a result of a motion by the Honourable Jean Augustine, the first Black Canadian woman elected to the other place.

The history of Black Canadians is not, however, without struggle. Slavery once existed, but in true Canadian fashion, the Abolition Act of 1793 in Upper Canada made Canada the first jurisdiction in the British Empire to move toward the abolition of slavery. By 1833, slavery would be abolished throughout the entire British Empire.

Honourable senators, as a senator representing Northend Halifax, I would be remiss if I did not highlight my native Nova Scotia, which has a proud history of Black Canadians. Between 1783 and 1785, more than 3,000 Black Loyalists came to Nova Scotia as a result of the American Revolution. Their descendants inhabit many Nova Scotian communities to this day. Another group, the Maroons, arrived in Halifax around 1796, where they worked at projects such as the fortifications of Citadel Hill. Their descendants still inhabit much of Preston in Dartmouth and Tracadie in Guysborough County.

We have had many firsts for Black Canadians that hail from Nova Scotia. Recently, in Halifax, the first Victoria Cross won by a Black person was put on display. William Hall, born in King's County, Nova Scotia, won the Commonwealth's top award for bravery for his service in the Crimean War. The son of freed slaves, he was a true hero, a true Nova Scotian and a true Canadian.

Other famous Nova Scotians include George Dixon, the first boxer to hold world championships in three different weight classes and who is credited as the inventor of shadow boxing. Rose Fortune was a Black Loyalist credited as the first known policewoman in Canada. One of her descendants, Dr. Daurene Lewis, served as Mayor of Annapolis Royal in the 1980s. She was the first Black female mayor in North America and she is also a member of the Order of Canada. In the 1990s, Wayne Adams was the first Black MLA elected to the Nova Scotia Legislature and the first Black cabinet minister.

The accomplishments of these Nova Scotians and all Black Canadians have helped to build and to strengthen what Canada is today. From politicians to community leaders, artists to war

heroes, Black Canadians have contributed to the fabric of Canadian society. We all benefit when we share in one another's history and culture. This is what makes us who we are as Canadians.

THE HONOURABLE CAIRINE WILSON

SEVENTY-FIFTH ANNIVERSARY OF APPOINTMENT TO SENATE

Hon. A. Raynell Andreychuk: Honourable senators, 75 years ago today Cairine Wilson became the first woman appointed to the Senate of Canada. On this special anniversary, I know all honourable senators join with me in paying tribute to Senator Wilson and her contemporaries, Emily Murphy, Henrietta Muir Edwards, Louise McKinney, Irene Parlby and Nellie McClung. These women were, of course, the Famous 5, who fought so hard to ensure that the privilege of serving our country in this place could be extended equally to both genders.

Cairine Wilson was an accomplished woman long before she became eligible to sit in the Senate, working on behalf of many charitable groups. She was not only our first female senator but also the first woman to chair a Senate standing committee. In 1949, she became Canada's first woman delegate to the United Nations General Assembly. Of course, the appointment of Senator Wilson arose from the famous *Persons* case of 1929, in which the judicial committee of England's Privy Council found that women could be considered "qualified persons" under section 24 of the Constitution Act.

I am certain that most women living in Canada today find it difficult to imagine a time when they would not be recognized as a person in the eyes of law. Yet, this was a battle that had to be waged; and, luckily for us, the ramifications of the victory have stretched far and wide.

Unfortunately, after Senator Wilson was called to the Senate, other women were not called to the Senate for some time. A second woman, Iva Campbell Fallis, was appointed by Prime Minister R.B. Bennett in 1935; however, a third woman did not arrive here until almost 20 years later, in 1953.

Today, we have only to look around this chamber to know that times have changed. Thirty-three women now serve as senators, a number that represents 37 per cent of the seats. The progress witnessed here may be found throughout our society. Indeed, women now hold public office in all levels of government, all across the country, although the struggle is far from over, including in this chamber.

It must have taken great strength of character for those first women senators to enter this unknown territory, aware that many men, and even some women, did not agree with their presence here. Because of their courage and determination, every woman who has followed in their footsteps to the Senate of Canada has had an easier path.

Through the hard work and dedication of the women who serve here today, we continue to honour the memory of Cairine Wilson.

UNIVERSITY OF ALBERTA

CONGRATULATIONS TO PANDAS FOR SECOND
CONSECUTIVE UNDEFEATED SEASON

Hon. Tommy Banks: I was pleased to hear Senator Andreychuk praise those five Albertan women — the Famous 5.

I wish to call the attention of senators to other Albertan women. In sport, everyone knows that the winningest percentage of all time in organized sport is held by the Edmonton Commercial Graduates Basketball Club, known simply as the Edmonton Grads, which posted a remarkable record.

We also have the University of Alberta Pandas, which is the women's hockey team. Recently, they accomplished something no team has ever done before in Canadian inter-university sport, male or female, by finishing their second consecutive undefeated season, which is remarkable. The Pandas won 99 games, a number that is particularly resonant in Alberta.

NOVA SCOTIA

OFFSHORE OIL AND GAS AGREEMENT

Hon. Donald H. Oliver: Honourable senators, earlier this month, Senators Cochrane and Rompkey spoke of the historic offshore oil and gas agreement reached on January 28 between the federal government and Newfoundland and Labrador.

Today, I wish to speak to the agreement reached for my province, Nova Scotia, that was officially signed yesterday by the Prime Minister. The new offshore oil and gas agreement will guarantee Nova Scotia \$830 million. The deal could be worth \$1.1 billion over the next eight years, depending on the value of the oil and gas pumped from Nova Scotia's offshore drilling rigs. Honourable senators, the money guaranteed by the federal government amounts to at least 100 per cent of my province's offshore oil and gas revenues.

Of the \$830 million that will be injected soon into our province's economy, I was delighted to learn on Tuesday that Premier Hamm has pledged to use the funds to pay down Nova Scotia's \$12.5-billion debt. According to Halifax's *The Chronicle-Herald*, this would immediately free up at least \$50 million in interest charges annually. The premier has announced that he plans to spend that money on education and health care.

• (1420)

Honourable senators, it was in 1987 that our former Prime Minister, the Right Honourable Brian Mulroney, signed the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act. The purpose of this accord was for Nova Scotia to receive the revenues from its offshore resources until its economy was at least at the national average.

As former Prime Minister Mulroney has stated on innumerable occasions, the accord "established Nova Scotia as the principal beneficiary of the oil and gas resources off its coastline."

Honourable senators, the ongoing negotiations that concluded Friday evening are about fairness. They are about reinforcing the

"principal beneficiary" provision contained in the 1987 accord. They are also about investing in Nova Scotia's, and indeed, all of Canada's future economic prosperity.

On November 18, I rose in the Senate and quoted Mr. Harper, who said:

In the election the Prime Minister made a promise to Atlantic Canada. And that promise was absolutely clear. It was crystal clear. The issue now is: Do it.

Honourable senators, the Prime Minister did do it. He did what was fair for Nova Scotia and Newfoundland and Labrador. Now he should be acknowledged for doing so.

WOMEN'S JUNIOR CURLING CHAMPIONSHIP

NEW BRUNSWICK—
CONGRATULATIONS TO KELLY TEAM

Hon. Joseph A. Day: I am pleased to advise honourable senators of the great success of Ms. Andrea Kelly and her rink of curlers from New Brunswick in having captured the Canadian Women's Junior Curling Championship in Fredericton, New Brunswick, over the past weekend.

The New Brunswick foursome, curling out of the Capital Winter Club in Fredericton, is comprised of lead Lianne Sobey from Miramichi, currently a student at St. Thomas University; second Jodie deSolla of Saint John, also attending St. Thomas; third Kristen MacDiarmid of Miramichi, a commerce student at Dalhousie University; and skip Andrea Kelly from Perth-Andover, who is currently studying business administration at the University of New Brunswick in Fredericton.

The team from New Brunswick achieved this success by compiling a 9-3 record during the round robin play and then defeating Marie-Christine Cantin from Quebec 7-5 in the semi-final on Friday, before facing Alberta's Desirée Robertson in the final on Sunday afternoon.

The Lady Beaverbrook Rink was filled to capacity to witness the exciting final between the New Brunswick rink and the Alberta team, which had gone undefeated during the round robin play.

The Alberta team took a quick 3-0 lead before New Brunswick was able to score four in the fourth to tie the game. The score was tied going into the ninth, but New Brunswick was able to steal two points and steal another in the tenth to clinch the victory.

Honourable senators, this marks the third time that a New Brunswick rink has won the junior women's title. Ms. Kelly, Ms. MacDiarmid, Ms. deSolla and Ms. Sobey will now have the honour of representing Canada at the World Junior Women's Curling Championship in Torino, Italy, from March 3 to 13. At this event, they hope to follow in the footsteps of Jim Sullivan's 1988 team and Melissa McClure's 1998 foursome, who became world champions from New Brunswick. I know that I speak for all honourable senators when I wish them the very best of luck at the world championships.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

STATUS REPORT TO HOUSE OF COMMONS TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, a document entitled "The status report of the Auditor General of Canada to the House of Commons," dated February 2005.

EUROPEAN CONFERENCE OF PRESIDENTS OF PARLIAMENTS WORKING VISIT TO BELGIUM OFFICIAL VISIT TO GERMANY OFFICIAL VISIT TO SCOTLAND

DELEGATIONS LED BY SPEAKER—REPORTS TABLED

Hon. Daniel Hays: Honourable senators, I rise to request leave to table four documents. They are reports of visits led by the Speaker of the Senate, first to the European Conference of Presidents of Parliaments in Strasbourg, France, May 17 to 19, 2004; working visits to Belgium, which took place September 19 to 21, 2004; an official visit to Germany, hosted by the President of the Bundesrat, which took place September 21 to 26, 2004; and finally, a visit to Edinburgh, Scotland, to represent Canada at the opening of the Scottish Parliament, Holyrood House.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, February 15, 2005

The Standing Senate Committee on Transport and Communications has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill C-4, An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, has, in obedience to the Order of Reference of Thursday, December 9, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Phalen, bill placed on Orders of the Day for third reading two days hence.

PATENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-29, to amend the Patent Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on Orders of the Day for second reading two days hence.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have the power to sit at 5 p.m. today, Tuesday, February 15, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Honourable senators, just to explain, the committee has a witness coming from Addis Abba, and this is the only time that we can get him. That is the reason for the request. Otherwise, I would not have troubled senators with this motion.

Hon. Terry Stratton (Deputy Leader of the Opposition): It is my understanding that the committee also met yesterday outside its normal sitting times. Will this be a regular pattern? I would hope not, because given the numbers on our side, it is very difficult to staff the Foreign Affairs Committee or any other committee that meets outside of normal sitting times.

• (1430)

Senator Stollery: Honourable senators, Senator Stratton is correct. We did meet yesterday at three o'clock because it was the only time that General Roméo Dallaire could meet with the committee. I agree with Senator Stratton that we try not to meet on Mondays. That is certainly not the policy of the committee.

The Hon. the Speaker: Is leave granted, honourable senators, to put the motion?

Some Hon. Senator: Agreed.

Hon. Marcel Prud'homme: No. I do not want the committee to sit when the house is sitting.

The Hon. the Speaker: Leave is not granted.

BOY SCOUTS OF CANADA

PRIVATE MEMBERS BILL TO AMEND ACT OF INCORPORATION—PRESENTATION OF PETITION

Hon. Consiglio Di Nino: Honourable senators, I have the pleasure to present a petition from the Boy Scouts of Canada, a body incorporated by chapter 130 of the Statutes of Canada 1914, praying for the passage of an act to amend its act of incorporation in order to consolidate the statutes governing it, to change its name to "Scouts Canada" and to make such other technical and incidental changes to the act as may be appropriate.

QUESTION PERIOD

FINANCE

FUNDING OF FOUNDATIONS—ACCOUNTABILITY

Hon. David Tkachuk: Honourable senators, for almost eight years the Auditor General has raised serious concerns about the accountability of foundations, first red-flagging this issue in 1997. In her latest report, we are told that despite some improvements to address accountability issues, overall progress has been "unsatisfactory."

Could the Leader of the Government in the Senate advise as to exactly what policy objectives, other than the accounting outcome, are achieved through most of these foundations that could not be achieved through an arrangement similar to that of the existing arm's-length granting councils such as the Social Sciences and Humanities Research Council?

Some Hon. Senators: Good question.

Hon. Jack Austin (Leader of the Government): I hear honourable senators across the way saying "good question" and I agree with those words.

The funding and accountability of foundations is one of the most important policies of this era. These foundations, as honourable senators know, are not-for-profit organizations. They are designed to direct funds to targeted objectives.

I will take, for example, the Foundation for Innovation, which has received over \$3 billion from the Government of Canada targeted to create research capability in our university institutions. Only a short time ago in Canadian political events, we were arguing about a brain drain and the governments of Prime Minister Mulroney and Prime Minister Chrétien were under attack for not taking measures to enhance the attractiveness of research in the Canadian university setting. This foundation was brought into being and funded by the Chrétien government. In the seven or eight years it has been active, the Canadian Foundation for Innovation has created a total change in the capacity of universities across Canada to conduct research. In fact, I am told that Canada is now one of the most attractive countries for researchers and leading academics

from around the world in which to work. We have created literally 1,000 or more research centres at universities in this country.

Honourable senators, this is an example of a program that is difficult for the public service to administer. For example, the granting of funds cannot be done by a peer group in the public service. The foundations create boards of directors of peer groups that make professional, non-political judgments on the best merit for the funds employed.

Senator Tkachuk: Honourable senators, I am not arguing the policy objectives that have been established by the government with regard to public policy areas such as research and innovation; I am arguing about the vehicle that the government is using, one which removes the accountability from the Consolidated Revenue Fund. No one knows where the money is being spent. The money does not belong to the government; it belongs to the taxpayers who have entrusted it to the government.

As evidenced by the Gomery commission, when people are given too much power to handle certain matters with no one watching them, problems can happen.

The foundations are not audited by the Auditor General, although the Auditor General says they should be. The government says that subjecting the foundations to the scrutiny of the Auditor General would water down their independence. That is the same argument used for giving out the research grants themselves. Could the Leader of the Government in the Senate explain to senators exactly how such scrutiny would make these foundations less independent?

Senator Austin: Honourable senators, the Auditor General has made comments on the accountability of the foundations, which, as the Honourable Senator Tkachuk has said, led to her recommendation that the Auditor General's office audit them. I want to make it clear that all of these foundations are audited by major private auditing firms. Were the Auditor General to be given the assignment to audit these foundations, they would probably be audited by the same firms reporting to the Auditor General rather than to the boards of directors of these foundations.

However, it is the case that in Budget 2003 the government recognized the Auditor General's then concerns about accountability and transparency and undertook in that budget to take a number of steps. The plans and annual reports of foundations are now reflected in departmental reports on plans and priorities and departmental performance reports. Of course, representatives of these foundations may be called before committees of Parliament, which has occurred.

The Government of Canada is considering the Auditor General's recommendations that have just been tabled and will work with the Auditor General to further improve the overall accountability and transparency of foundations.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I want to ensure that I have this perfectly clear. Is the minister of the view that performance audits on the funds in these foundations are a good thing or a bad thing? If they are a good thing, is it the government's policy to see that the audits are done?

Senator Austin: Honourable senators, my view is that performance audits, which are sometimes called "value audits," are a good thing. The foundations commission them from appropriate providers and they are available. The question raised by the Auditor General is whether the Auditor General's office should be responsible for commissioning those performance audits.

Senator Kinsella: Honourable senators, the Auditor General also states:

...Parliament does not have adequate information and assurance on the use of more than \$9 billion in public funds already transferred to foundations.

• (1440)

It seems to me that the Auditor General is saying that parliamentarians do not have the data upon which to evaluate whether the public funds that were voted for these foundations are being properly utilized.

Senator Austin: Honourable senators, I should like to consider the text of the Auditor General's report with respect to foundations more closely. These performance audits have been completed and are available to the departments for assessment. They are also available to the Auditor General in her assessment of the work of various departments.

Treasury Board is now requesting that departments approach foundations with a view to incorporating those Budget 2003 requirements in the funding agreements for those foundations.

I would add that, of course, the government controls the mandate and the operations of these foundations through funding agreements. Money is held by these foundations for their specific purposes.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, in next week's budget the government may well, again, use foundations to burn the annual surplus. We are all awaiting, indeed, anticipating with bated breath that that will occur. Can the Leader of the Government in the Senate assure us that the terms respecting any funds advanced to foundations will fully reflect all of the Auditor General's recommendations for accountability and reporting to Parliament?

I would add that if it is the intention of the government to create more foundations, this would be an ideal opportunity to take, say, \$15 or \$20 billion of the EI surplus and put it in a foundation at arm's length from the government, thereby assuring Canadians that the money is "safe," by the honourable senator's definition.

Senator Austin: Honourable senators, I will give due consideration to Senator Stratton's recommendation with respect to an EI foundation, but I doubt whether there can be any more surety to its beneficiaries than the balance sheet of the Government of Canada itself.

Senator Stratton: The funds are in general revenue.

Senator Austin: I would refer to the Standing Committee on Public Accounts of the other chamber, which issued a report on February 8, 2005, on the public accounts, in which it recommended that legislation be amended to allow the Auditor General to conduct value-for-money audits at foundations with assets in excess of \$100 million. It may well be that our National Finance Committee would consider a study of the same topic.

AUDITOR GENERAL

POSSIBILITY OF AUDITING CROWN CORPORATIONS

Hon. David Tkachuk: Honourable senators, this is my final question on this topic today. As I understand it, the Auditor General, strangely enough, is not eligible to be appointed an auditor of a foundation, just as the holder of the office is not eligible to be auditor of a Crown corporation. Currently, Bill C-277, a private member's bill, is before the other place and will be voted on at second reading. Passage of that bill would deem the auditor general to be eligible to audit or to be the joint auditor of all Crown corporations, that is, any entity that receives more than \$100 million per year from the federal government and to which the government is able to appoint board members.

Can the Leader of the Government in the Senate advise the Senate whether government members are free to support this bill in the other place and in this place?

Hon. Jack Austin (Leader of the Government): Honourable senators, did I understand Senator Tkachuk to refer to a private member's bill in the other place?

Senator Tkachuk: Is the leader asking me a question?

Senator Austin: I ask only so that I may answer Senator Tkachuk's question.

Senator Tkachuk: Yes, I was.

Senator Austin: At this point, I have no advice to give this chamber on the conduct of private member's business in the other chamber.

FINANCE

FUNDING OF FOUNDATIONS—ACCOUNTABILITY

Hon. Donald H. Oliver: Honourable senators, I have a supplementary on the questions related to foundations.

For the last few weeks, the National Finance Committee in the Senate has been studying foundations as well as issues of accountability and transparency. In his responses to questions on foundations, the Leader of the Government in the Senate has not directly addressed the issue of scrutiny by parliamentarians and by parliamentary committees of the \$9.1 billion advanced to foundations in the last 15 years. Could he directly address what new methods will be employed to ensure that Parliament will have access to the books of these foundations?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government is now considering the Auditor General's report and the various recommendations made therein.

I cannot, at this stage, give a comprehensive answer to Senator Oliver because the time for the study process of the Auditor General's recommendations has not yet elapsed.

I would put on the record, however, that the Government of Canada took a number of actions to strengthen the audit and evaluation regime in response to the Office of the Auditor General in her earlier review of the subject. Honourable senators know that this is a reprise of what actions the government has taken since the previous report. To date, many actions have been taken. The submission of annual audited financial statements and the conduct of independent evaluations was always a part of the process of foundations.

New requirements permit the government to conduct compliance audits and evaluations and, as noted in Budget 2003, these can be undertaken internally, externally, or at the discretion of ministers through Order-in-Council by the Auditor General. A number of compliance audits have been conducted, but always by the foundations and to the satisfaction of the government.

Still, an issue that deserves consideration and debate is whether the role of the Auditor General would take away from these foundations a level of independence which their peer-group structure has created for them. That peer-group structure, independent of political process, was seen originally as an essential element of the process. Parliament has specifically reviewed and approved accountability in government arrangements for some foundations, for example, foundations for innovation, scholarships and sustainable development technology, which account for 70 per cent of the funding provided to independent foundations.

The issue is the balance between the desirable independence of these foundations from political influence and public accountability. If Parliament were an instrument of accountability, free of partisan politics, the issue could be dealt with more easily. Do we want to open a door via the Auditor General's recommendation for parliamentary accountability, which would perhaps lead to undermining the merit principle that was established for these foundations?

• (1450)

I say to honourable senators, this is the issue, and it should be examined by our National Finance Committee, which is chaired by Senator Oliver. The issue has been raised directly by the Auditor General's report and will be commented on by the government in due course.

PARLIAMENT

ACCOUNTABILITY OF FOUNDATIONS TO OFFICERS

Hon. Gerald J. Comeau: I was listening carefully to the Leader of the Government in the Senate regarding the government's consideration of the Auditor General's report. I would ask the government leader to consider, with regard to the Auditor General's report, whether it might not be appropriate as well for those foundations to be subject to other officers of Parliament, such as the Commissioner of Official Languages, the Privacy

Commissioner of Canada and the Information Commissioner of Canada, given that we must sustain a certain balance between accountability to Parliament and allowing them their independence. In my mind, it would be worth considering having these foundations subject to some of Parliament's other officers.

Hon. Jack Austin (Leader of the Government): Honourable senators, that is a suggestion that deserves very serious attention when the overall question of accountability is raised. Many of these foundations were established to be independent of Parliament and of the rules affecting government agencies and departments. They were set up not as government agencies but as agencies independent of government. In being created to be independent, it also meant that certain rules with respect to bilingualism and other government policies with respect to affirmative action may not apply to some of them. The point is well taken.

FINANCE

CANADA PENSION PLAN— INFLUENCE ON INVESTMENT MARKET

Hon. W. David Angus: Honourable senators, the quantum of Canada's pension plan investment portfolio is growing dramatically and is projected to hit \$322 billion in total within 15 years. As I understand the rules, honourable senators, 70 per cent of these assets must be invested in Canada.

Last week, honourable senators, Mr. Don Drummond, the Chief Economist of the TD Bank and previously a very senior official at Finance Canada, raised as a serious concern the possibility that the CPP could end up being the majority shareholder of at least several major Canadian public companies. According to Friday's *The Chronicle-Herald*, a Halifax newspaper, Mr. Drummond said, "...we can't have that — 12 people on a board" — I assume he meant the CPP board — "appointed by politicians, controlling the market."

My question is for the Leader of the Government in the Senate. Has the government considered or is it looking seriously at the long-term implications of the possibility of having the CPP board controlling a major segment of the Canadian public corporate market?

Hon. Jack Austin (Leader of the Government): Honourable senators, I can only reply to the question by saying that I will look into the matter. I was not aware of the statement made by Mr. Drummond. However, there is a document on my desk that I have not had time to look at and I did notice that it referred to the issue the honourable senator is raising.

CANADA PENSION PLAN— LIMIT ON FOREIGN INVESTMENTS

Hon. W. David Angus: Honourable senators, I am sure the Leader of the Government will recall this issue, as he was a member of the Standing Senate Committee on Banking, Trade and Commerce at the time it was discussed in 1998. There are two points I should like to underline.

In the context of the CPP portfolio, Mr. Drummond was concerned about the lack of investment opportunities here in Canada and that a shortage will hurt the potential returns of the fund and, in like manner, the RRSP funds in the portfolios of Canadian people building up their private pensions. In its report, the Banking Committee recommended that the 20 per cent limit be raised to 30 per cent, which, indeed, was subsequently done. At the same time, the committee recommended that the Minister of Finance remove the limit for the Canada Pension Plan investment fund and, more generally, for all investments later on.

Has this government been considering the matter at all and does it intend either to raise the limit above 30 per cent or to remove it entirely?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Angus asks very interesting questions, to which I have no answers. The intentions of the government and its policies, I suppose, will be announced in due course. I know we are all looking forward to the budget on February 23, but I have no idea whether any of the honourable senator's questions will be answered in that budget.

Notwithstanding that, following the budget, I think these questions should be pursued by me with the Minister of Finance, and I undertake to do so.

CANADA-UNITED STATES RELATIONS

SOFTWOOD LUMBER AGREEMENT— RETURN OF COUNTERVAILING DUTIES PAID

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. It relates to the softwood lumber dispute and the Byrd amendment.

For the last several months, the lumber industry has urged the Canadian government to challenge the Byrd amendment, which allows for the distribution of Canadian duties to American complainant companies. In the opinion of the lumber industry, this challenge should go to the United States Court of International Trade.

Could the Leader of the Government in the Senate please tell us his government's intentions with respect to the Byrd amendment, and the softwood lumber dispute in general, where funds will be distributed to these complainant companies?

Hon. Jack Austin (Leader of the Government): Honourable senators, the honourable senator knows as well as I the intricacies of the softwood lumber issue. Honourable senators are aware that the Government of Canada, with the support of the industry, is pursuing what is known as a two-track policy. On the first track, we are pursuing our legal rights under NAFTA and under the World Trade Organization agreements. The second track is a negotiating track with the United States. Canada has been highly successful on track one, and both World Trade Organization panels and NAFTA panels have found that there is no injury occasioned by the Canadian lumber industry to the U.S. lumber industry.

The negotiating track has produced little, if any, useful result, but a meeting has been requested by the new Secretary of Commerce in the United States, which is planned to be held in the next few days. Honourable Jim Peterson, the Minister for International Trade, has responded positively on behalf of the Government of Canada and the industry to that request by the United States to meet.

With respect to the specific question of the Byrd amendment, it is the position of the Government of Canada that it is illegal, as has been found by the World Trade Organization, and that all the funds, some US \$4.2 billion, which have been paid by Canadian lumber exporters as duties in order to enter the United States, are due and owing to Canada at this time.

Honourable Senator St. Germain is also fully aware of the lawsuits commenced by the United States lumber industry to set aside NAFTA as unconstitutional, in that U.S. citizens cannot be tried in a court other than a United States court unless there is a constitutional amendment. In other words, they are saying that the Congress and the administration, when NAFTA was entered into, did not have the constitutional right to undertake obligations against American citizens.

• (1500)

That is a most interesting step to be taken by the U.S. lumber industry, and the Canadian government is inquiring after the United States whether it supports that action.

EFFORTS TO IMPROVE RELATIONSHIP

Hon. Gerry St. Germain: Honourable senators, I have a short supplementary. My concern, and I think the concern of many Canadians, is that while the relationship between our two countries has possibly improved slightly, it is not at the point, in any way, shape or form, where some of these disputes will be resolved at the administrative level.

The pine beetle infestation that is hitting British Columbia will exacerbate the situation, because millions of cubic metres of wood that has to be cut down will be coming on the market. Satellite photos show an area the size of New Brunswick that will have to be cut down, either immediately or in the near future, to capitalize on the unfortunate situation that struck British Columbia. The entire economic dynamic of the interior of British Columbia, right up into Alaska, will be changed.

My concern, and the concern of Canadians right across the board, is that the Minister of Foreign Affairs' involvement in the Middle East, for example, is not conducive to improving our relationship with the Americans. The government leader has a bewildered look. There is nothing bewildering about this. This is the view of many in Canada.

What are we doing definitively to improve our relationship with the Americans? I know Minister Peterson personally, and I think he is quite a capable minister. That being said, his attempts will be eroded by actions taken by other ministers that are not conducive to improving our relationship with our largest trading partner, our closest neighbour and our greatest ally.

Hon. Jack Austin (Leader of the Government): Honourable senators, I hope the honourable senator agrees with me that the actions we are facing in the softwood lumber industry by the United States are unwarranted under both NAFTA and the World Trade Organization. There is no legal basis under those agreements or international law for the steps the United States has taken.

What we are looking at, in my view, is congressional support for highly protectionist steps that cannot be justified. When I say "cannot be justified," those are the findings of the World Trade Organization and the NAFTA panels — NAFTA panels, I might add, in which Americans made up a majority. The result of the protectionist steps taken by the United States in this matter is some tension in the Canada-U.S. relationship.

Overall, the relationship is as good as any bilateral relationship in the world. Prime Minister Martin has undertaken positive steps to put the relationship on a friendly and familiar basis, but that has to be consistent with Canadian values. Canadian values do not associate themselves with the steps taken by the United States in Iraq, insofar as military participation by Canada in that action is concerned. Canada's position has no doubt created some negativity in the United States. However, overall, we have a relationship that works brilliantly and is in the best interests of both countries, and that is recognized by both countries.

There has been a proposal, as Senator St. Germain knows, for a heads-of-government meeting in March — the Prime Minister, the President of the United States and the President of Mexico — to talk about a number of issues that relate to the economic relationship. I personally strongly endorse trilateral dialogue as well as bilateral dialogue.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers to questions: the first raised in the Senate on December 2, 2004, by Senator Kinsella regarding a memorial to victims of the World Trade Centre and the government's contribution, and the second raised in the Senate on February 1, 2005, by Senator Carstairs regarding airport security and hiring policy for personnel.

CANADA-UNITED STATES RELATIONS

MEMORIAL TO VICTIMS OF WORLD TRADE CENTRE— DONATION BY GOVERNMENT

(Response to question raised by Hon. Noël A. Kinsella on December 2, 2004)

Following the terrorist attack on the World Trade Centre on September 11, 2001, Canada demonstrated its solidarity with the victims, including 24 Canadians. We continue to do so through actions in Canada rather than contributing to the memorial in New York.

Immediately following the tragic attacks in the US, Canada closed its airspace and coordinated the diversion of approximately 500 aircraft destined for the United States and Canada. From Coast to Coast, Canadians publicly mourned the death toll from the terrorist attacks. On the National Day of Mourning, September 14, 2001, Canadians demonstrated their solidarity and support for Canada's closest friend, the United States.

Over 100,000 Canadians attended an official memorial ceremony on Ottawa's Parliament Hill. More recently, Prime Minister Martin travelled to Pier 21 on December 1, 2004 with President Bush to pay tribute to the courage and generosity of those in Canada who opened their homes and their hearts to care and comfort thousands of stranded passengers.

Prime Minister Martin affirmed that the events of September 11 redefined many realities and that Canada and the United States would continue to work together in the war on terrorism.

TRANSPORT

AIRPORT SECURITY— HIRING POLICY FOR PERSONNEL

(Response to question raised by Hon. Sharon Carstairs on February 1, 2005)

Canada has a world-class system of background checks for individuals seeking employment within restricted areas at Canada's airports. Since 1986, applicants wishing to obtain a Transportation Security Clearance from Transport Canada have been subject to a rigorous program of background checks to determine whether they pose a threat to transportation security.

We verify the suitability of each applicant with the RCMP and CSIS before issuing a Transportation Security Clearance. A security clearance is required for all individuals prior to the issue of a restricted area pass.

Pursuant to the department's Transportation Security Clearance Program Policy, information provided by an applicant must be adequate, reliable and verifiable covering a period of five years prior to the application being considered. This has been the case since we began issuing Transportation Security Clearances to Airport Workers.

The responsibility for providing the department with the information required in support of an application for a security clearance rests with the individual applicant. Nevertheless, an applicant who fails to initially provide the required information to the department is not necessarily denied a clearance. In such cases, applicants are advised and can provide additional information. Should applicants subsequently provide the additional information required, they may be granted a clearance.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before going to Orders of the Day, I will introduce the visiting pages from the House of Commons. On my left is Lara Kinkartz, of Edmonton, Alberta. Ms. Kinkartz is pursuing her studies at the University of Ottawa's faculty of Social Sciences. Her major is political science.

[Translation]

I would also like to introduce Jean-Philippe Perron, from the city of La Prairie, Quebec. He is enrolled in political studies in the Faculty of Social Sciences at the University of Ottawa.

I welcome you to the Senate.

[English]

POINT OF ORDER

Hon. John Lynch-Staunton: Honourable senators, I could not be here last Thursday, so this is the first opportunity I have had to raise a point of order touching on how a certain bill was disposed of last Thursday. I am talking about Bill C-14, better known as the Tlicho bill. It was my understanding on Wednesday that the bill was to be reported the following day, Thursday, and that third reading would start today, Tuesday.

Much to my surprise, I read in Hansard over the weekend that the bill was actually reported during Routine Proceedings and then, following a quick discussion involving two or three senators, it was decided to give leave not only to report the bill but to pass it in third reading without any debate.

I have always objected to bills being given accelerated treatment, unless it can be proven that there is an emergency. It was not my understanding that Bill C-14, although wished for by the government, was a priority bill; rather, it was my understanding that Bill C-14 would follow the regular sequence of events. However, for reasons that can be guessed at from reading Hansard, it was decided to proceed expeditiously, to use a polite word, that very day.

I object in particular because this was all done during Routine Proceedings. Usually, if the sponsor of a bill can convince the house that a bill should be disposed of immediately, or the same day, the courtesy extended to the house is "later this day." In that way, any senator who is not aware of a bill being debated on a day other than the one usually scheduled has an opportunity to be alerted and can be in the house when the bill is finally called on the Orders of the Day, where legislation properly belongs.

Legislation does not belong in Routine Proceedings. Routine Proceedings are exactly that — they are routine proceedings. Routine Proceedings allow no debate, except in exceptional circumstances, and contain routine business that allows honourable senators, even if they arrive a few minutes after the appointed time, to not be surprised by any events taking place during that period of our proceedings.

In this case, however, something highly irregular, if not a disorder, took place — that is, that a piece of government legislation was given final approval during Routine Proceedings, at a time when debate is not allowed, unless it was thought that, if someone wants to debate the bill, we will do so. That is highly against the rules.

• (1510)

I will quote what Routine Proceedings are. I have taken one quote from our *Companion to the Rules of the Senate of Canada* discussing rule 23:

Routine Proceedings may be defined as the business of a basic nature for which a daily period is set aside in the Senate.

To confirm that, our latest authority, Marleau and Monpetit, states at page 365 that:

The daily routine of business, commonly referred to as "Routine Proceedings", is a time in the daily schedule when business of a basic nature is considered, providing Members with an opportunity to bring a variety of matters to the attention of the House, generally without debate.

Finally, let me quote from Beauchesne's 6th edition, citation 371(1):

It is a fundamental rule that, with the exception of certain matters dealt with under Routine Proceedings, no question can be considered by the House unless it has been previously appointed either by a notice or a regular Order of the House.

This procedure was completely neglected last Thursday.

If His Honour entertains this point of order in a written opinion, I would ask him not only to support it but that he give instruction or at least remind this house that there are basic procedures which cannot be violated. One is to dispose of matters which should be on the Order Paper at another time other than when the order is called.

I have made my point but I can go on if any honourable senators have any questions concerning this important matter on how we conduct our business.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I wish to add to the debate and discuss certain conversations that I had with Senator Stratton. We meet every morning to discuss house business and we did discuss that item, among others. We were both surprised at what happened in the afternoon because it was certainly unexpected from our point of view. I understand there were conversations between other senators in the chamber which led to the course of action that we saw take place.

Senator Lynch-Staunton has referred to the rules very knowledgeably and very carefully, but I understand also that the Senate is ultimately the master of its own fate. I understand there was consent to deal with the item at that time, the reason being the presence in the gallery of the Tlicho themselves who wanted to see this happen.

I was as surprised by the course of action as were other senators, but in the final analysis, the Senate is the master of its fate. If consent is given, my understanding is that items can proceed.

The Hon. the Speaker: Are there other honourable senators who wish to participate in the discussion on this point of order?

Senator Lynch-Staunton: Honourable senators, I quite agree that the Senate can give leave to go beyond the standard rules, but there are certain rules we cannot and must not violate, particularly the one regarding the disposal of legislation. It is one thing to want to accelerate the procedure, but to dispose of a bill under a rubric where it does not belong is something else. That is my argument. We cannot move legislation around to suit people in the gallery who want to leave earlier than when the order should be raised. That is the point, not the content of bill, not the fact that people wanted it passed the same day, but how it was passed. To my mind, the procedure was completely irregular, if not in disorder, and should not be repeated.

The Hon. the Speaker: Normally I would hear all honourable senators and give the honourable senator who raised the point of order a final comment.

Senator Robichaud wishes to speak and I will see him, but I will give Senator Lynch-Staunton the final word.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I think we should consider the point of order that has just been raised. Adopting a bill hastily may not be the thing to do. However, consent was sought by a senator from the official opposition who had participated in the deliberations in committee. No one in this chamber argued that we should take more time for consideration. The senators present gave leave to move on to third reading of this bill, which had been awaited for some time by those present in the gallery, who were closely following the debate.

I do not think we committed a serious mistake. We should proceed more slowly in the future. That said, I would not want to see last Thursday's procedure invalidated.

[English]

The Hon. the Speaker: Are there other honourable senators who wish to make comments?

Senator Lynch-Staunton: Honourable senators, I insist that while leave can be given to go beyond our rules, certain types of leave cannot be requested. Beaudesne talks about a fundamental rule, and I will repeat it. It states:

It is a fundamental rule that, with the exception of certain matters dealt with under Routine Proceedings, no question can be considered by the House unless it has been previously appointed either by a notice or a regular Order of the House.

To do otherwise would lead to excessive abuse of the rules. The government could, in the absence of opposition senators, convince its members that a controversial bill on the Order Paper scheduled to be called in perhaps only an hour could be

called immediately with leave and passed without debate. That is what I fear if we allow this procedure to take place. I am pleading that we be denied the possibility of engaging in those excesses again.

The Hon. the Speaker: I thank honourable senators for interventions on Senator Lynch-Staunton's point of order. He has raised a point important to him and perhaps other honourable senators in that they may have been prevented from participating in debate. I will come back to the house with a written response because of the nature of this matter and will do so at the earliest opportunity.

• (1520)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Catherine S. Callbeck moved the second reading of Bill C-10, to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

She said: Honourable senators, it is a pleasure and an honour to rise to speak on Bill C-10, to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts. Bill C-10 will reform and modernize, but not drastically change, the provisions of the criminal law that govern persons found unfit to stand trial and not criminally responsible on account of mental disorder. These provisions are working well overall, and will be further improved by the reforms for which your support is sought.

The old law, that is, the law before 1992, used the term "not guilty by reason of insanity." This term is still used by some in everyday speech, but it is obsolete. The current and modern criminal law refers to persons found not criminally responsible on account of mental disorder, and to persons found unfit to stand trial.

Before elaborating on some of the main features of this bill, I would note that crafting criminal law to deal with persons who are mentally ill remains a challenge. Many persons fall through the cracks in our society and, due to a mental illness, may behave in a manner that puts them into conflict with the law. The mentally ill are often stigmatized unnecessarily, assumed to be dangerous and to pose a risk to public safety. This is a stereotype that we should strive to avoid.

Many persons with mental disorders live side by side with us and never come into conflict with the law. Some mentally disordered persons will commit minor or nuisance offences, while others may commit violent offences. Our criminal law must, therefore, provide a range of options for those persons who, due to a mental disorder, come into conflict with the law. The law must also ensure the protection of the public from persons who may be dangerous.

The Supreme Court of Canada has scrutinized Part XX.1 of the Criminal Code — the part that applies to mentally disordered persons — in several recent cases. The Supreme Court noted that the part's twin goals, treatment for the accused and public safety, must be equally respected. The amendments to Bill C-10 aim to address these twin goals.

In 1992, significant reforms were made to modernize the law that governed persons found not guilty by reason of insanity. These 1992 reforms reflected the need to balance the rights of the mentally ill and the protection of the public.

The reforms in Bill C-10 share the same objectives as the 1992 reforms, to provide a modern, fair and effective law that respects both the rights of the mentally ill who come into conflict with the law and the public's right to safety.

Before describing the key features of Bill C-10, some background information may be useful.

It is important that all honourable senators appreciate who is affected by Part XX.1 of the Criminal Code and these amendments. They affect persons accused of crime who are found to be unfit to stand trial, and persons who are tried but found not criminally responsible on account of mental disorder. These terms are clearly defined in the Criminal Code, and have been interpreted accordingly in the case law.

The Criminal Code defines "unfit to stand trial" as unable, on account of mental disorder, to conduct a defence or to instruct counsel to do so at any stage of the proceedings before a verdict is rendered. This means that the accused is unable to understand the nature, object or possible consequences of the proceedings, or to communicate with counsel. In other words, at the time of the trial, the accused does not understand what is going on because of a diagnosed mental disorder.

In these circumstances, the trial cannot proceed. Until the accused is found fit and can be tried, the accused will be dealt with by the Review Board. The Review Board will determine if the accused can be discharged and under what conditions. The Review Board will monitor and review the accused's disposition annually or more frequently, if necessary.

In addition, the court must hold an inquiry two years after the verdict of unfitness and every two years thereafter until the accused is acquitted or tried, to decide whether the Crown has enough evidence to put the accused on trial.

The court may also order treatment for the accused for up to 60 days based on medical evidence that the proposed treatment will make the accused fit to stand trial without risk of harm to the accused, and that without the treatment the accused will likely remain unfit to stand trial. There can be no absolute discharge.

For a verdict of not criminally responsible, which is an exemption from criminal responsibility by reason of mental disorder, it must be shown that the accused was suffering from a mental disorder at the time the offence was committed that rendered him or her incapable of either appreciating the nature

and quality of the act or omission, or of knowing that it was wrong. A mental disorder is a "disease of the mind." The trial judge must determine, based on psychiatric evidence, what constitutes a "disease of the mind" or "mental disorder."

When a verdict of not criminally responsible is rendered, the accused will not be sentenced. Rather, the Review Board, a special tribunal, will impose a disposition in accordance with criteria set out in the Criminal Code. This includes consideration of the mental condition of the accused and public safety concerns. The Review Board may impose a custodial disposition in a hospital, a conditional disposition, or where the accused does not pose a significant threat, an absolute discharge. The Review Board will review the disposition annually or more frequently until such time as the accused may be absolutely discharged. Part XX.1 also provides for the applicable procedure and safeguards for the accused, including rights to counsel and rights of appeal.

The significant reforms enacted in 1992 were the subject of a statutorily-required Parliamentary Review that ultimately took place in 2002. Over 30 stakeholders, including members of the bar, academics, psychiatrists, mental health professionals, service providers and Review Board administrators, made submissions. The Report of the Committee from the other place that conducted the review reflects this broad input and careful scrutiny of the current law.

The committee report noted that, overall, the Criminal Code regime was working very well, but could be improved. The committee's conclusions are also consistent with the results of consultations undertaken by the Department of Justice over the last decade with key stakeholders, including provincial Attorneys General.

The government tabled a response in November 2002 describing a proposed approach for legislative reforms and non-legislative initiatives.

Bill C-10 reflects the advice and guidance provided by those who have front line experience with the mental disorder provisions in the Criminal Code and they have shared their expertise with the Department of Justice and the committee.

Honourable senators, Bill C-10 contains 65 clauses. It is a rather large and complex bill and as such, I will only aim to provide an overview of the bill and some highlights.

The length of the bill is due in part to the fact that the same regime applies to military personnel found unfit or not criminally responsible for offences under the National Defence Act. Clauses 46 to 61 amend the National Defence Act in the same manner as the Criminal Code is amended by Bill C-10.

Some of the length and complexity is also due to the fact that Part XX.1 is a complete code of law and procedure for the mentally disordered accused. An amendment to one provision has an impact on several others, so Bill C-10 includes many consequential amendments.

The main themes of Bill C-10 are: to expand the powers of the Review Board to enhance its ability to make dispositions; to repeal unproclaimed provisions; to address the situation of the

long term or permanently unfit accused; to address the concerns of victims; to give police more options when they arrest an accused for breach of a disposition order, which in turn gives the accused more options; and to clarify or make housekeeping-type amendments.

With respect to the amendments to expand the powers of the Review Boards, it is worth recalling that Review Boards make critical decisions about an accused found not criminally responsible or found unfit to stand trial. The board decides on the disposition and the terms and conditions of the disposition. Review Boards derive all of their authority from the Criminal Code and must, therefore, ensure they have the tools they need to make these important decisions.

• (1530)

Bill C-10 will make the following essential reforms: Review boards will now have the authority to order an assessment of the mental condition of the accused. Review boards will be able to convene a hearing on their own motion as well as adjourn a hearing for up to 30 days — where, for example, they need to gather more information. Review boards will have the authority to issue a summons or warrant to compel an accused to appear before them. This is particularly important when the accused is on a conditional disposition living in the community and fails to attend to their disposition review hearing. Review boards also will have the authority to extend the annual review up to two years in particular circumstances.

To address the situation of the long-term or permanently unfit to stand trial accused, new provisions will be enacted to permit the courts to determine whether a judicial stay of proceedings should be ordered for an unfit accused who is not likely to ever become fit to stand trial and who does not pose a significant threat to the safety of the public, where a stay is in the interest of the proper administration of justice. The first precondition is that the accused remains unfit and is not likely to ever become fit to stand trial. The court must base its determination of unfitness on clear information. An assessment must be ordered in all cases.

Bill C-10 includes a carefully crafted approach to ensure that a court may grant a judicial stay of proceedings for an unfit accused who is not likely ever to become fit and who is not dangerous, but public safety and other relevant factors must be considered. The need for these amendments was recommended in 2002 and now has been made necessary by the Supreme Court's decision in *Demers*.

This decision confirms the need for amendments to ensure that proceedings can be brought to an end for the permanently unfit, non-dangerous accused. The Supreme Court of Canada struck down key provisions of Part XX.1 as they apply to the permanently unfit. The declaration of invalidity has been suspended until June 2005, to give Parliament an opportunity to amend the Criminal Code. The approach set out in Bill C-10 will ensure a constitutional regime for the permanently unfit accused who is not dangerous.

Bill C-10 also aims to provide a role for victims at review board hearings that is similar but not the same as their role at sentencing

hearings. For example, victims will be permitted, in most cases, to read their victim impact statements aloud at disposition hearings where they so choose. Notice will be provided to victims of the hearing as well as relevant Criminal Code provisions in accordance with rules to be developed by the court or review board. Review boards will also be required to provide specific notice to victims, on request, of upcoming hearings that may result in the conditional release of an accused from hospital or in the absolute discharge of the accused. Courts and review boards will also be required to ask whether a victim has been advised of the opportunity to prepare a victim impact statement before the first disposition hearing. At all times, it is the victim's decision whether to submit a victim impact statement. Whether or not the victim reads the statement aloud, the review board is required to consider the statement.

Review boards will also be given the same powers as the court to order a publication ban on the identity of a victim or witness. For sexual offence victims, the ban will be imposed by the board. For other victims and witnesses, the board may receive applications for an order to prohibit publication of the identity of a victim or witness and may make the order where it is necessary for the proper administration of justice. These provisions will mirror those in the Criminal Code that permit the court to order a publication ban and the application process and factors to be considered will be same.

Honourable senators, the amendments included in Bill C-10 will enhance the role of victims of crime where the accused has been found not criminally responsible. To the greatest extent possible, Bill C-10 includes provisions for victims that parallel Criminal Code provisions that apply where the accused is convicted and sentenced. However, the new provisions for victims fully respect the differences between the law that governs persons who are criminally responsible and convicted and sentenced and those who are not criminally responsible. While the provisions are similar, they are not identical.

Bill C-10 will also result in simpler processes to permit the safe and efficient transfer from one province or territory to another of a person found not criminally responsible on account of mental disorder or unfitness.

Bill C-10 also addresses concerns raised about ensuring that orders made by review boards and courts are respected and can be enforced effectively. More options will be available for the police to enforce disposition orders and assessment orders that take into account the need for the accused's treatment to continue.

For example, where the police arrest an accused who is in breach of a disposition order, such as where the accused is not reporting to their physician or hospital or attending treatment or training, or the accused travels outside any geographical limitations, they may issue a summons or an appearance notice to the accused. The police may simply return the accused to his place of residence, which may be a hospital, and the accused will appear in court when required. This option will permit the accused to continue with any treatment or routine and avoid an unnecessary jail lockup.

The police will not release the accused or return the accused to his or her residence if detention is necessary — for example, to determine identity, prevent the commission of an offence, or where the terms and conditions of the accused's disposition need to be confirmed.

To ensure that the law is clear and up to date, the provisions of the 1991 law that were never proclaimed — namely, capping and the related dangerous mentally disordered accused provisions and the hospital orders provisions — will be repealed.

Finally, Bill C-10 includes several clarifying and procedural amendments that will be made to address redundant or confusing provisions and to ensure the effective application of the goals of the law. For example, amendments will delete confusing wording that suggests that a disposition can expire. The Criminal Code clearly provides that a disposition remains in effect until a subsequent disposition is made.

The provisions of Part XX.1 of the Criminal Code have remained unchanged since 1992, but the case law has evolved and new issues have emerged. Bill C-10 addresses the evolution of the law and emerging issues.

I have touched on the key parts of this lengthy and seemingly complex bill. The Senate committee review will permit more in-depth examination and will demystify some of the complexity. Honourable senators, Bill C-10 is the next step in modernizing the law that governs mentally disordered accused persons. Canada continues to be a leader in providing a fair and effective approach that permits both rehabilitation and treatment and protects public safety. The amendments in Bill C-10 demonstrate once again our leadership in legislating for the 21st century.

I encourage all honourable senators to support the bill.

On motion of Senator Andreychuk, debate adjourned.

• (1540)

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Ross Fitzpatrick moved second reading of Bill C-20, to provide for real property taxation powers of First Nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts.

He said: Honourable senators, I rise to address the Senate at second reading of Bill C-20, the First Nations fiscal and statistical management bill. I am very pleased to be bringing such an important and long-awaited bill before the Senate. The proposed legislation was initiated by First Nations and its development has been led by First Nations.

Bill C-20 builds on 15 years of experience acquired by those First Nations who have developed real property taxation laws

pursuant to section 83 of the Indian Act. Today, more than 100 First Nations have made such laws and 30 more are preparing to do so.

This initiative will strengthen the First Nation real property tax regime so it may better serve as a vehicle for economic growth. It will provide the transparency and certainty sought by potential investors. It will streamline tax administration and improve the return on tax dollars.

Honourable senators, I believe that we all agree that we want to improve the quality of life in First Nations communities. A number of steps have been taken over the past few years to begin removing barriers to First Nations' economic progress, self-reliance, and self-government but much more is needed. The Indian Act does not provide First Nations with sufficient opportunities to help their economies grow. First Nations communities lack the legal and institutional frameworks that other governments in Canada take for granted. Such frameworks underpin the building of economic relationships. They help communities to work with the financial and commercial sectors and to build the infrastructure that supports business development and improves the quality of life. Such infrastructure includes improved roads, water distribution systems, and sewage systems to support residential subdivisions, commercial development and industrial parks. This legislation would provide First Nations with the tools necessary for attracting investment, developing needed infrastructure and improving employment opportunities, all of which will lead to a better quality of life on the reserve.

Honourable senators, rather than wait for government, certain First Nation leaders looked toward the future and took it upon themselves to develop and propose solutions to strengthen their economies. They did so for their economies and their communities to pave the way for other First Nations that might wish to participate.

The First Nation proponents of this bill have invested significant time and energy to advance their vision of a new future for their communities. They have consulted with the financial and commercial sectors to better understand what steps must be taken and, as a result, several years ago they came to the federal government seeking the necessary legislative changes.

Bill C-20 is a lengthy and technically complex bill, and I cannot hope to address all of its provisions in the time I have today. However, I would like to review the key elements.

First Nations will have the opportunity to implement property tax systems under the provisions of Bill C-20 or, if they are already taxing under the Indian Act, the opportunity to move these existing property tax regimes under the bill. However, First Nations may decide to continue or commence taxing under the Indian Act. It is their choice. This bill, however, provides for a more transparent property tax system than that which exists in the Indian Act, with specific provisions dealing with property assessment and the development of rate-setting and expenditure laws, all of which provide clarity and consistency while reconciling the interests of First Nations governments with those of their taxpayers.

Under Bill C-20, taxpayers will be able to play a larger role in policy development through the appointment of three taxpayers to the 10-member tax commission. They will also benefit from an improved system for hearing appeals and resolving disputes. Bill C-20 provides for the evolution of the existing Indian Taxation Advisory Board into the First Nations tax commission. The commission will build on the work of the board, which has helped First Nations enter the field of property taxation since 1989. I should note that those First Nations are now collectively raising more than \$44 million annually in tax revenue.

This proposed legislation will create a First Nations finance authority. Through the work of this institution, First Nations, like other local governments in Canada, will have access to private capital raised through the bond markets. It is anticipated that this access will allow participating First Nation governments to raise \$125 million of long-term private capital over the first five bond issues at rates of 30 per cent to 50 per cent lower than at present. This will enable the construction or improvement of roads, sewers, water and other types of infrastructure.

First Nations access to private capital through the bond market will enable them to more effectively participate in the economic mainstream and realize a better return on tax dollars. The First Nations finance authority is modelled on, and was developed with, the assistance of the Municipal Finance Authority of British Columbia, which has 30 years experience and a Triple-A credit rating.

The third institution, the First Nations financial management board, will offer a full range of services to support the financial management capacity of First Nations. These services are available not only to those First Nations whose names appear in the schedule to the bill but also to any First Nation that wishes to use them. Not only will the financial management board support the financial dimensions of the property taxation and borrowing regimes established by the bill, it will be able to assist any First Nation in the development of financial administration laws to ensure that rigorous financial management systems and procedures are in place to inspire and maintain investor confidence.

Many First Nations, particularly from among the 100 or so that already have property taxation systems in place, may be quick to opt into the borrowing regime and other services provided through Bill C-20. However, honourable senators, other First Nations may take more time to take up these opportunities and still others may decline them outright. Participation in the taxing and borrowing regimes of the bill is completely optional.

The fourth institute established by Bill C-20 is the First Nations statistical institute. One of the main roles of the institute will be to provide the statistics necessary to support debentures and greater investment on reserve lands. Another key role is to address the current gap in reliable data targeted toward analysis of the social and economic well-being of First Nations and their populations. Good quality information is needed to support First Nation decision-making and the development of effective policies and programs for First Nations. To this end, the statistical institute will work with First Nations, federal departments, Statistics

Canada and provincial statistical agencies to help First Nations meet their information needs while, at the same time, supporting the coordinated collection and analysis of the data required to support effective Canada-First Nations relationships.

As you can see, honourable senators, each of these institutions — the tax commission, the finance authority, the financial management board, and the statistical institute — has a unique, independent and professional role.

• (1550)

Honourable senators, it was almost a year ago that I had the privilege to speak at second reading of Bill C-11, the Westbank First Nations Self-government agreement. At that time, I was proud to support a bill to help a First Nation move closer to realizing its potential and fulfilling its dreams of economic self-sufficiency and stability. Today, I am equally privileged and proud to proclaim the merits of Bill C-20, which I view as another step along the path to achieving a model of economic independence for First Nations.

I would like to say how pleased I am — and I am sure my honourable colleague, Senator St. Germain, agrees — that the initiative for this bill came from our home province of British Columbia. In particular, I would like to recognize the contribution of Manny Jewels, a former chief of the Kamloops Indian Band, who is with us today in the gallery, and who is an active life-long advocate of First Nations' economic self-sufficiency. Manny has dedicated over 30 years of his life to public service in support of Aboriginal causes. He follows in the footsteps of his father and father's father, who together devoted more than 50 years of their lives to advance Aboriginal issues.

Honourable senators, I want to conclude my remarks with this thought. Economic development is an important element in the road to self-sufficiency. This is a path that must be travelled by First Nations to improve their quality of life. Many First Nations have begun this journey, but have encountered obstacles that we can help them to remove. First Nations cannot succeed with their hands tied. Together, we can change the future.

Honourable senators, this is an important piece of legislation for First Nations. It will put the practical tools needed to foster a business-friendly environment, investor confidence and economic growth in the hands of First Nations. It will permit them to follow their own path in their own time and in their own way. I urge all honourable senators to support this important bill.

Hon. Gerry St. Germain: I have a question, honourable senators.

I would like to compliment the honourable senator. We have taken it upon ourselves to jointly work together on some of these initiatives, parking our partisanship, if you can believe that, Manny. We parked it, although it will be only on these files, I think.

My honourable friend said that the bill is optional. Is it fully optional to our Aboriginal peoples? I ask this question for a particular reason. We may have to find this answer to it in committee. I am not trying to stump the senator.

I was told that certain First Nations oppose this legislation. Have there been changes in the other place, amendments to the legislation, that would have changed that dynamic? I understand there were First Nations from Ontario and Quebec that were opposed. All senators should be aware of that opposition. Perhaps my friend can clarify that matter.

Senator Fitzpatrick: This bill was introduced on three different occasions in the other place. The previous bills did not provide the opportunity for First Nations bands to opt in or out. This bill, which was amended from the previous bills, does provide that opportunity. I think there was some opposition to the previous bills because it was not optional, but I understand that this bill cures that problem.

On motion of Senator St. Germain, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

SECOND INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (second interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health Policies and Programs in Selected Countries*, tabled in the Senate on November 23, 2004.—(Honourable Senator Kirby)

Hon. Marjory LeBreton: Honourable senators, I am pleased today to offer a few brief remarks on the recent reports of the Standing Senate Committee on Social Affairs, Science and Technology. As you have heard, three committee reports examined mental health, mental illness and addictions.

Sadly, these issues have all too often been relegated to the background of society, kept hidden by shame and stigma. This is something that must never happen again and must never again be tolerated.

Mental illness is just that, an illness. It should be treated like any other illness. When people are suffering from cancer or heart disease, they are treated with care and respect, and they and their families are not forced by the stigma of society to speak in hushed tones. "Do not tell anyone that my father or my mother or another family member is very sick with heart disease or cancer. I do not want anyone to know of this illness in our family." We would never hear words like that with an illness like cancer or heart disease, but we certainly do hear it when it comes to mental illness. We owe it to those who suffer from mental illness to do everything possible to correct this and address the lack of support offered to people with mental health problems in terms of treatment and attitude.

Although actual numbers are difficult to verify because so many people still do not report mental illness, it is believed that one in five Canadians will be affected by mental illness in their lifetime. Canadians will be surprised to learn about the fractured state of the delivery of mental health care in our country. Those who have to seek treatment know the truth. Assistance is hard to ask for, initially, and it can be equally hard to find.

The first committee report looks into the current states of affairs and finds an uncoordinated system with a chronic shortage of psychiatrists, social workers and other care providers. It is also surprising to note that Canada, with all of its advances in science and health and our acknowledged good living conditions, does not have a national mental health strategy. In fact, we are the only G8 country without one. We have fallen far behind in this respect, and this must change.

There is much to be learned from other countries in how they deliver mental health services, how they raise public awareness and, most important, how this has directly impacted the stigma issue in a very positive manner in those countries.

• (1600)

I encourage all honourable senators to look at the committee's reports and in particular to read the testimony of people whose lives have been forever changed by mental illness, either through the suffering of a loved one or their own personal battle.

The work of the committee is onerous. Members of the committee are conducting the first of a series of cross-country hearings on this issue as we speak. It is the intention of the committee to lay out a national strategy for governments, all governments, to improve the mental health system for all Canadians. It is an undertaking, honourable senators, that is long overdue and, it is hoped, one that will be of benefit to the many people across our country, young and old, who struggle daily with mental illness and addiction. Indeed, as senators, we owe it to them.

One of the interesting facts that became apparent on our committee, and Senator Kirby has mentioned this many times, is that every single member of the committee has a family member who is suffering from some form of mental illness or has a mental health problem. We all knew of family members' other problems, such as heart attacks and cancer, but none of us knew about the illnesses of family members of fellow senators on the committee. If that is indicative of Canadian society, honourable senators know how serious the problem is.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, February 16, 2005, at 1:30 p.m.

CONTENTS

Tuesday, February 15, 2005

	PAGE		PAGE
Royal Assent		Hon. Jack Austin	697
The Hon. the Speaker	693	Hon. Noël A. Kinsella	697
		Hon. Terry Stratton	698
SENATORS' STATEMENTS		Auditor General	
Flag Day		Possibility of Auditing Crown Corporations.	
Hon. Jack Austin	693	Hon. David Tkachuk	698
Hon. Marjory LeBreton	693	Hon. Jack Austin	698
Black History Month		Finance	
Hon. Terry M. Mercer	694	Funding of Foundations—Accountability.	
The Honourable Cairine Wilson		Hon. Donald H. Oliver	698
Seventy-fifth Anniversary of Appointment to Senate.		Hon. Jack Austin	698
Hon. A. Raynell Andreychuk	694	Parliament	
University of Alberta		Accountability of Foundations to Officers.	
Congratulations to Pandas for Second Consecutive		Hon. Gerald J. Comeau	699
Undeclared Season.		Hon. Jack Austin	699
Hon. Tommy Banks	695	Finance	
Nova Scotia		Canada Pension Plan—Influence on Investment Market.	
Offshore Oil and Gas Agreement.		Hon. W. David Angus	699
Hon. Donald H. Oliver	695	Hon. Jack Austin	699
Women's Junior Curling Championship		Canada Pension Plan—Limit on Foreign Investments.	
New Brunswick—Congratulations to Kelly Team.		Hon. W. David Angus	699
Hon. Joseph A. Day	695	Hon. Jack Austin	700
		Canada-United States Relations	
ROUTINE PROCEEDINGS		Softwood Lumber Agreement—Return of Countervailing	
Auditor General		Duties Paid.	
Status Report to House of Commons Tabled.		Hon. Gerry St. Germain	700
Hon. Bill Rompkey	696	Hon. Jack Austin	700
European Conference of Presidents of Parliaments		Efforts to Improve Relationship.	
Working Visit to Belgium		Hon. Gerry St. Germain	700
Official Visit to Germany		Hon. Jack Austin	701
Official Visit to Scotland		Delayed Answers to Oral Questions	
Delegations Led by Speaker—Reports Tabled.		Hon. Bill Rompkey	701
Hon. Daniel Hays	696	Canada-United States Relations	
International Interests		Memorial to Victims of World Trade Centre—	
in Mobile Equipment (aircraft equipment) Bill (Bill C-4)		Donation by Government.	
Report of Committee.		Question by Senator Kinsella.	
Hon. Joan Fraser	696	Hon. Bill Rompkey (Delayed Answer)	701
Patent Act (Bill C-29)		Transport	
Bill to Amend—First Reading	696	Airport Security—Hiring Policy for Personnel.	
Foreign Affairs		Question by Senator Carstairs.	
Notice of Motion to Authorize Committee to Meet During		Hon. Bill Rompkey (Delayed Answer)	701
Sitting of the Senate.		Pages Exchange Program with House of Commons	
Hon. Peter A. Stollery	696	The Hon. the Speaker	702
Hon. Terry Stratton	696	Point of Order	
Hon. Marcel Prud'homme	696	Hon. John Lynch-Staunton	702
Boy Scouts of Canada		Hon. Bill Rompkey	702
Private Members Bill to Amend Act of Incorporation—		Hon. Fernand Robichaud	703
Presentation of Petition.			
Hon. Consiglio Di Nino	697	ORDERS OF THE DAY	
		Criminal Code (Bill C-10)	
QUESTION PERIOD		Bill to Amend—Second Reading—Debate Adjourned.	
Finance		Hon. Catherine S. Callbeck	703
Funding of Foundations—Accountability.		First Nations Fiscal and Statistical Management Bill (Bill C-20)	
Hon. David Tkachuk	697	Second Reading—Debate Adjourned.	
		Hon. Ross Fitzpatrick	706
		Hon. Gerry St. Germain	707
		Study on State of Health Care System	
		Second Interim Report of Social Affairs, Science	
		and Technology Committee—Debate Adjourned.	
		Hon. Marjory LeBreton	708



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

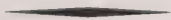
VOLUME 142

•

NUMBER 36

OFFICIAL REPORT
(HANSARD)

Wednesday, February 16, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, February 16, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

BLACK HISTORY MONTH

Hon. Shirley Mabey: Honourable senators, the roots of Black history in Canada are generally accepted to be in Nova Scotia with the first arrival of a Black man in 1606. In fact, he was a part of the very early attempts to colonize what is now Canada. His arrival places the Black community as one of the early components of our country in the broadest sense of the concept of founding peoples.

Most Canadians do not know that early Blacks were, generally speaking, in servitude. The history of Quebec is particularly noteworthy in this regard. In the early years of New France, there was no Black slavery, such a condition having been abolished in France. However, Jean Talon, the first intendant of New France, persuaded Louis XIV to allow slavery since it was believed at the time that the economic well-being of New England was in part due to the presence of slavery in the 13 colonies. Therefore, if there could be prosperity in New France, it would be the result of Black servitude in the colony. Slavery got full legal backing in New France in 1709. This is not a pretty history.

In New France, after 1709, virtually all respectable citizens, including the governor and the bishops, had Black slaves. In fact, the first British Governor, James Murray, sent an appeal in 1763 to New York slave merchants for a shipment of slaves, writing in his plea, "Canadians will work for nobody but themselves. Black slaves are certainly the only people to be depended upon."

This is Black History Month. It is an excellent time to reflect on the near silence of our mainstream history books about the widespread slavery in New France and in British North America. It is a good time to remind ourselves of the inappropriateness of Canadians talking so smugly about slavery in the United States, as if to say that this condition was either absent or not very prevalent in our own society.

Just 200 years ago, notices in the Montreal newspapers were very common, not only for the selling and purchasing of Black slaves, but also for rewards offered for the return of slaves who had escaped their masters.

Today, the Black community in Montreal thrives. Its numbers include descendants of the early slaves, new Canadians from French West Africa, Commonwealth countries, the Caribbean and, in particular, from Haiti. It is, therefore, among itself, a cross-cultural contribution to Quebec and to Canada, to say nothing of being a truly dynamic contribution to our society.

On the surface, the music, the restaurants and a variety of cultural activities are visible, but the roots of the Black community are deep and the results today of this long-term presence in our society are an important contribution to academia, business and the professions.

I join my colleagues who have already spoken about Black History Month in saluting the contribution of our fellow Canadian citizens of African descent.

Hon. Pana Merchant: Honourable senators, Black History Month honours the contributions Canadians of African descent have made to the enhancement and well-being of our country. We salute the increasing number of outstanding role models in Canada's Black community. I think of such role models in our nation's public life as Dr. Stephen Blizzard, past President of the Canadian Society of Aerospace Medicine; Dr. Felix Durity, pioneer in laser neurosurgery; Oscar Peterson, composer/pianist; Austin Clarke, journalist/broadcaster; Daniel G. Hill Senior, former Chairman of the Ontario Human Rights Commission; the Honourable Rosemary Brown, legendary legislator from British Columbia; Julius A. Isaac, Chief Justice of the Federal Court; and Dr. Howard McCurdy, social activist and Ontario legislator, to say nothing of those of African descent currently in both Houses of our Parliament, including our colleagues Senator Cools and Senator Oliver.

Racial discrimination against Black people in Canada, however, has not disappeared. Recent reported incidents of racial profiling, particularly against Blacks, unacceptable per capita unemployment rates among the racialized groups and drop-out rates among students are tremendous ongoing challenges facing Canadian families of Black descent.

The Canadian Black community traces its history to settlements begun in the 17th century, yet far too few received the equal treatment they expected when they joined us. Far too few have shared in the promise, affluence and status of the dominant population, either in the public or private sector.

• (1340)

Upon its inception, I served on the board of the Canadian Race Relations Foundation, a major component in the fight against racial discrimination, chaired by the Honourable Lincoln Alexander, former Lieutenant-Governor of Ontario, established as a result of the Japanese-Canadian Redress Agreement, an arm's-length Crown corporation of the federal government — one of the family of such corporations in the Canadian Heritage portfolio.

The task of the CRRF is enormous. Initially, the federal government, in partnership with the Japanese-Canadian community, provided a one-time endowment of \$24 million. To carry out its important and unique mandate, the foundation needs stable funding and should not have to compete with not-for-profit organizations.

It is my hope that the government will look favourably on the urgent need to adequately fund the Canadian Race Relations Foundation.

Hon. Ione Christensen: Honourable senators, as we celebrate and commemorate Black History Month, I want to add a Yukon story about a very special Black woman named Lucille Hunter. I knew Lucille over the years but I did not know all of her background. At this time I want to thank Yukon journalist Flo Whyard and the Yukon Archives for helping me fill in the missing pieces about this incredible lady.

Lucille was born in the deep southern United States in 1878 and at the age of 13 was working as a field hand. She later moved to Michigan where she married Charles Hunter. Lucille was 19 in 1879 when gold was discovered in the Klondike, and she and Charles decided to head north to the land of gold.

They had to travel across the continent by train and then they headed up the coast by boat to Wrangell, in Southeast Alaska. There were a number of routes into the Klondike goldfields and the Hunters chose the Stikine River, one of the most difficult. From Wrangell they followed the great river through the rugged coastal mountains, and with winter fast approaching the waters were treacherous. However, the most difficult part of the trail still lay ahead.

The 150-mile portage of almost impassable trails from the river overland took them to the headwaters of Teslin Lake. Many seasoned stampedeers were complaining bitterly about the conditions of the trail, yet Lucille Hunter managed to keep up despite the fact that she was nine months into her pregnancy.

The first community they came to was Teslin on the shores of Teslin Lake. For the First Nations people the horde of White prospectors was an unusual sight, but never before had they seen a Black person. Not quite sure what to call the Hunters among all the White stampedeers, the First Nations simply described them as "just another kind of White person."

Lucille and Charles stopped only long enough for their daughter to be born, and they named her Teslin after the community. In later years, Lucille often joked that Teslin, their daughter, was the first "white" child to be born in that community.

While all of their companions spent the winter in Teslin, Lucille and Charles decided to press on with their baby. They travelled by dog team and arrived in Dawson City just after Christmas in 1897. This 600-mile journey would have had few trails, if any. Charles must have had some experience as either a trapper or a miner because without northern survival skills they certainly would have perished in the minus 60 degree temperatures.

They arrived well before the main horde of stampedeers and staked their claim on Bonanza Creek in February of 1898. Their daughter Teslin was raised on the creeks around Dawson, and after Charles died in the early 1930s Lucille continued to operate three gold claims in the Dawson area and a silver claim in Mayo. Lucille did not own a car and every year she would walk 140 miles from Mayo to Dawson and then back to do representation work on her claims.

When most of the mines closed in the Second World War, Lucille moved to Whitehorse. She opened a small laundry in Whitehorse and with the building of the highway did extremely well. She was predeceased by her daughter but had a grandson who lived in Alaska.

Lucille lost her eyesight in later years, yet with the help of a radio, she kept abreast of the local and national news and loved long discussions with the visitors. She died in 1972 at the age of 94, still dreaming of staking the motherlode.

ROUTINE PROCEEDINGS

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-24, to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL CANCER STRATEGY BILL

FIRST READING

Hon. J. Michael Forrestall presented Bill S-26, to provide for a national cancer strategy.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Forrestall, bill placed on the Orders of the Day for second reading on February 24, 2005.

ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON, RAFIK HARIRI

NOTICE OF MOTION IN CONDEMNATION AND SUPPORT OF JUSTICE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada joins with the Government of Canada in condemning the terrorist attack that killed former Lebanese Prime Minister Rafik Hariri and extends condolences to the families of those killed or injured and indeed to all the people of Lebanon;

That the Senate of Canada urges the Government of Canada to call upon the Lebanese government and the international community to ensure that those responsible for the planning and perpetration of this attack are brought to justice;

That the Senate of Canada strongly urges the Canadian government to join with the United Nations Security Council in its call for the strict respect of the sovereignty, territorial integrity and political independence of Lebanon;

That a message be sent to the House of Commons upon passage of this motion.

Hon. Senators: Hear, hear!

• (1350)

QUESTION PERIOD

INTERNATIONAL TRADE AND FOREIGN AFFAIRS

DEFEAT OF LEGISLATION TO SPLIT DEPARTMENT INTO TWO DEPARTMENTS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, yesterday in the other place a rather unusual thing occurred in terms of parliamentary history, where a piece of legislation on government machinery was defeated in principle at second reading.

Some Hon. Senators: Hear, hear!

Senator Kinsella: As the minister in this house knows, the government plans to table its Main Estimates next week, which are structured as a series of votes organized by department or agency. Given what happened last night in the other place, which has rejected legislation to create two separate departments for foreign affairs and international trade, is it the government's intention to seek spending authority for these two separate departments based on their reorganized structure, or does it intend to respect Parliament by seeking spending authority based on the structure that existed prior to December 2003?

Hon. Jack Austin (Leader of the Government): Honourable senators, all will be revealed in due course.

Senator Kinsella: If the government is asleep at the switch, then one can understand not only the paucity of legislative business but also the inability and the incompetence in steering very few items, even housekeeping items like machinery of government legislation. This does not speak very well of the current government. Our own Order Paper is reflective of this inactivity.

Since the original announcement that the government would separate trade from foreign affairs in December 2003, the two separate departments have operated through temporary Orders-in-Council.

What is the intended response of the government to what happened last evening in the other place? Does the government have a plan to honour the promise of the Prime Minister to respect Parliament by rescinding the Orders-in-Council? Does the government plan to carry on business as usual, in the hope that it may get the bills through in another session? Does it plan to ignore Parliament completely and operate these two departments indefinitely through Orders-in-Council?

Senator Austin: Honourable senators, Bill C-31 and Bill C-32 reflect the view of the government on the importance of bringing focus and purpose to a set of issues that are critical to Canada's future prosperity, innovation in Canada, job growth and wealth creation. The government regrets the vote of the official opposition against these ideals and purposes.

The government, in addition, is disappointed and disturbed by the way the Conservative Party approached the votes on Bill C-31 and Bill C-32. The commitment of the Conservatives in the other place to support referring those bills to committee was not met.

Some Hon. Senators: Oh, oh!

Senator Austin: For example, on February 7, the Conservative international trade critic, the member for Newmarket—Aurora, who must be deeply embarrassed, stated:

On behalf of the Conservative Party, I am recommending that we allow Bill C-31 to proceed to the Standing Committee on Foreign Affairs and International Trade so that we might be able to have a much closer look at its origins, implications and costs.

I want to note again that she said: "On behalf of the Conservative Party..." Obviously, her powers plenipotentiary are useless. The government has demonstrated its commitment to making the minority parliament work, but to do so requires a degree of goodwill and trust among the parties.

Senator St. Germain: Something that the Liberals have not got.

Senator Austin: It is in my view deeply regrettable that the Conservative Party has made itself into a party in which an enormous lack of trust in the management and operation of Parliament will take place.

Talk about respect for Parliament: There is no respect for Parliament when a party breaks its word, breaks its public undertaking —

Some Hon. Senators: Oh, oh!

Senator St. Germain: You are the expert on breaking your word.

Some Hon. Senators: Oh, oh!

Senator St. Germain: Wage and price controls; 18 cents a gallon on gas! Mendacity is your hallmark.

Senator Austin: It is beginning to sound like a caucus of clowns on that side.

Talk about respect for this Parliament, or even for this chamber — I have been asked what I thought. I wanted to take that as a serious question, but clearly it is nothing but a stalking-horse for a practice of insidious behaviour in the other chamber.

Some Hon. Senators: Oh, oh!

Senator Stratton: Poor baby!

Senator Austin: It is easy to say "poor baby," but the official opposition has made it clear that it does not want this Parliament to work. It would be otherwise if no undertakings were given, if no trust was asked, but you have now broken the concept of trust for your party. It will have an impact on the ability of the official opposition to make a minority Parliament work. We will see what becomes of that.

Senator St. Germain: Call an election! Let's go!

Senator Austin: The government is committed to the rationale which underlies the government reorganization of December 12, 2003. These changes were meant to make the two departments more focused and responsive to the priority of Canadians. The government will continue to work to achieve those policy objectives.

In the meantime, the Orders-in-Council of December 12, 2003, that established the Department of International Trade remain in force. Those orders were passed pursuant to authorities granted to the government by Parliament itself, in the Public Service Rearrangement and Transfer of Duties Act.

Hon. Terry Stratton (Deputy Leader of the Opposition): My question is to the Leader of the Government in the Senate. The minister gave us the government information as to why the department was to be split. We thought it just wanted to create another minister with another limousine, a few extra bucks and another vote that is not free.

Another interesting aspect is that the former Ambassador to the United States, Allan Gotlieb, predicts that the split would not be permanent but would be short term and the two entities will come together again.

Allan Gotlieb was appointed, I believe, by Prime Minister Trudeau. Why would he be saying that?

Senator Austin: Honourable senators, no new ministers are created by the reorganization, nor were any lost by the defeat. We have a Minister of International Trade and we have a Minister of Foreign Affairs. No new cars, no new staff — all of that is totally erroneous.

The issue here is why the official opposition was not prepared to send these two bills to committee to allow the committee to examine the question that Senator Stratton has asked.

Senator Stratton: The question was that the former Ambassador to the United States, appointed by Pierre Elliott Trudeau, a man by the name of Allan Gotlieb, predicted that if

the split did occur, it would be short term and would be overcome by the next government, or the current government would realize the error of its ways and fix the problem.

• (1400)

Senator Austin: I have a lot of respect for former Ambassador Allan Gotlieb and for his views. There are other people I respect equally who have different views. The point is that the official opposition did not want to examine the issue in committee in the other House. Why not?

Hon. Marcel Prud'homme: Honourable senators, I would not attempt to defend the official opposition, but I am on record as saying that this was a catastrophe in the making. Overnight, a decision was taken to split the Department of International Trade and Foreign Affairs in two. There was no consultation with the authorities of the political process. Last night there was a vote of 125 to 157, with eight paired, including a mistake made when Mr. Kilgour, a Liberal from Alberta, is quoted as having voted in favour, although he had voted against. I told him today that he should request a correction to Hansard.

Honourable senators, we could not find one civil servant who was of the opinion that this was not a fatal mistake for the morale of the Department of Foreign Affairs. The split was done by Order-in-Council. Personally, I do not care how they voted last night. There were 125 Liberals on one side and all other political parties on the other side. Not one single bureaucrat wants to speak openly as to how disastrous this would have been for the department.

Until 1982 there was such a division. In 1982 — and I remember because I was there — there was a marriage of all these separate entities, and it functioned very well. Suddenly, out of nowhere, an Order-in-Council appears. I agree, the government has the right to re-administer. The government talks about a democratic deficit but then takes a major decision without consulting the political process first. How does the government intend to get out of that mess? Nominations were made for one year, and duplication is in process. Last week, while Senator Stollery was chairing the Foreign Affairs Committee, we asked the top lady from the Africa Bureau how it will work. She did not seem to be happy but did not comment.

There is good cooperation at the Department of Foreign Affairs. Now this cooperation does not exist, which is catastrophic.

I was ready, along with Senator Lynch-Staunton, to lead the opposition if these two bills had been passed. I have permission to use his name. He is a fine gentleman and I asked him first. We, the old-timers, believe it was a mistake then and we believe it is a mistake now. We want to know what will be the next step. Will it be to continue in the error or try to repair the error before it goes too far?

Senator Austin: Honourable senators, we will never know what the merits of dividing the former department into two separate departments might or might not be because the official opposition will not allow a committee to hear witnesses. Their minds are

made up. They are not prepared to examine the policies on which the government advanced Bill C-31 and Bill C-32. My honourable friend may be right or he may not be right. The issue, first, is what does one say about the proper working of Parliament when an official opposition does not want to hear the principles of the bill, does not want to hear the advocates and does not want to hear the opponents? Quite frankly, I think that the official opposition has made an enormous mistake in its own practice, and it will be remembered.

I also want to say that Parliament has not spoken about this legislation. One of the two chambers of Parliament has offered an opinion, but this chamber has not spoken on this subject. No one can use the phrase, "Parliament has expressed an opinion." They can say, "The other place has expressed an opinion."

Honourable senators, it has always been parliamentary convention and Crown convention that machinery of government issues belong to the executive in the first instance. The executive has acted on the authority given to it by Parliament. The steps taken were totally appropriate. The government has come to Parliament to ask for the endorsement of both Houses with respect to Bill C-31 and Bill C-32.

Honourable senators, the circle comes around. We end up with the official opposition deciding to break its undertaking, but even more significant, if one can be, it has decided that it will operate with a closed mind in terms of bills that are now in front of the other place, which is regrettable. It is a sea change in the political relationships and in the way this minority government will operate.

The Hon. the Speaker: It is an appropriate time to remind honourable senators of our rules, which indicate that Question Period is a time when, with a brief preamble, a question is asked and, with a brief preamble, a question is answered. We have only 30 minutes for Question Period. One of the rationales for that time period is that it permits more questions to be put and answered.

Hon. A. Raynell Andreychuk: Honourable senators, my understanding of the rules of this chamber and the other place is that at second reading there is a vote for the acceptance of the overall principle of a bill the government is putting forward and that I, as an opposition member, have the right up to the point of voting to change my mind if I am persuaded by either my colleagues or external information. Is that still the case?

Senator Austin: Honourable senators, every member of that House and this house is free to vote as they determine, but we also have political parties. We have whips and we have critics who speak for the party. When an official critic such as the member for Newmarket—Aurora, who is the Conservative international trade critic, rises on February 7 and says, "On behalf of the Conservative Party," then I ask what is the way in which the Honourable Senator Andreychuk would like the parliamentary process to work?

An Hon. Senator: One lonely voice in the wilderness!

The Hon. the Speaker: Honourable senators, Senator Oliver has the floor, and it is his opportunity to put his question.

TREASURY BOARD

AUDITOR GENERAL'S REPORT— CROWN CORPORATION GOVERNANCE

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate and deals with the Auditor General's report. The Auditor General identified problems in the internal audit structure of the Crown corporations. In chapter 7 of her report tabled yesterday, Ms. Fraser states:

...progress in addressing the recommendations from our 2000 audit of Crown corporation governance has been unsatisfactory...However, improvements that we recommended to strengthen the overall governance and accountability framework have not progressed...

That, honourable senators, is what I call the practice of insidious behaviour.

• (1410)

Honourable senators, in March 2004, the government announced its intention to make public the audits of Crown corporations by tabling them in Parliament, but currently there is no formal requirement to do so. The Office of the Auditor General has issued eight special examination reports since the government's announcement last March, but of those eight examination reports, only four Crown corporations have posted the reports on their website.

Honourable senators, this lack of transparency is unacceptable. There are currently 43 federal Crown corporations, not including subsidiaries, employing 73,000 people. They manage \$78 billion in assets. Parliamentary appropriations to Crown corporations amounted to \$5.2 billion in 2003-04. My question is, does the government intend to follow the directives of the Auditor General and improve the overall accountability and governance of our Crown corporations, or is the government content with this current lack of transparency?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sure that Senator Oliver, in asking the question, missed the exchange in the House of Commons yesterday, in which the President of the Treasury Board said that the government had prepared a full response to the previous reports of the Auditor General but did not want to table it until after the Auditor General's current report on February 15. I am speaking to the issue of the governance of Crown corporations.

I will ask Senator Oliver to be patient for a day or two. I believe that, before the end of this week, the government will issue its new policy statement with respect to the governance of Crown corporations.

Hon. Marjory LeBreton: Honourable senators, I have a follow-up on the Crown corporations question. It is a follow-up to Senator Oliver's question, and perhaps the Leader of the Government will give me the same answer. The concept is similar to the Auditor General's "value for money" audit, although it may or may not be the Auditor General who does the examination. Most Crown corporations are required by law to

have a special examination from time to time. Last year, the government announced its intention to make the result of these examinations public and to table them in Parliament. However there is currently no follow-up, and there appears to be no requirement for them to do so.

My question for the Leader of the Government in the Senate is: Will such mandatory tabling be part of the Crown corporation legislation that the government will eventually bring forward, and when can we expect this legislation?

Senator Austin: I believe I have answered that question, Senator LeBreton, in response to the question from Senator Oliver. Later this week I think we will see a comprehensive examination of Crown corporation governance by the government, and a number of measures proposed to strengthen the government's accountability, transparency and management of Crown corporations.

Senator LeBreton: Upon hearing that legislation might be introduced, last summer Canada Post, CBC, Atomic Energy of Canada, CPP Investment Board, Export Development Corporation and the National Arts Centre wrote to the Treasury Board to argue that they should retain their exemption from the access laws, not only on the audit but also that they be shielded from access to information.

Given the continuing problems with Crown corporations, will the Leader of the Government assure us that access laws, as well as the audit, will be extended to Crown corporations, especially CBC and Canada Post?

Senator Austin: Honourable senators, we will see what is contained in the report when it is issued. I cannot provide any predictive material, but I just want to add that it has been the policy of the government to protect commercial proprietary information, which is part of the operation of any Crown corporation. I presume that that doctrine may continue to be respected.

SOCIAL DEVELOPMENT

PROPOSED CHILD CARE AGREEMENT WITH PROVINCES—PROVISION FOR OFFICIAL LANGUAGE MINORITIES

Hon. Lowell Murray: Honourable senators, I want to ask a question to the Leader of the Government in the Senate concerning the negotiations being conducted now by the federal government, through The Honourable Ken Dryden, with the provinces on the subject of child care.

Is the Leader of the Government in a position to provide an assurance that, in any agreement or agreements concluded between the federal government with the provinces, so far as the federal government is concerned there will be specific and appropriate provision for official language minorities across the country? I ask the question because I and a number of other senators are fresh from an all-day meeting last Monday of the Standing Senate Committee on Official Languages, where we heard a number of witnesses on the general subject of education,

and the critical importance of early childhood education was a central point in just about all of the presentations we heard.

Hon. Jack Austin (Leader of the Government): Honourable senators, the results of the committee discussions to which Senator Murray refers have been communicated to Minister Dryden for his consideration. I cannot give you a specific response at this time.

With respect to official languages, however, I might point out that these questions also relate to the jurisdiction of the provinces, and advancing some or all of the collateral agenda that was referred to during the committee discussions is the subject of bilateral agreement. When I say "advancing," I mean that of course we can advance these issues, but to achieve their recognition would be the subject of bilateral agreement.

Senator Murray: I appreciate that, honourable senators, and I also appreciate that, according to a written answer to a question I put some considerable time ago, the government indicates that these negotiations are being held in the context of the Social Union Framework Agreement. However, the fact remains that the federal government, in launching the negotiations, has put forward a number of principles to which it is adhering. What I would like to know is whether the federal government is attaching priority to a provision for official language minorities in any bilateral or multilateral agreements it concludes with the provinces? Surely the minister can give me that assurance.

Senator Austin: Honourable senators, "surely" is an interesting word. What I can do is to say that I brought that issue of official languages to the attention of the minister, and I expect to have a response from him.

IMMIGRATION AND CITIZENSHIP

REFUGEE CLAIM BY MR. ERNST ZUNDEL

Hon. David Tkachuk: Honourable senators, this Saturday will mark two years since Holocaust denier Ernst Zundel was deported to Canada by U.S. authorities. Two years ago, Canadians were told he would be gone quickly, but he is still here. Although the court proceedings against him are in their final stages, Mr. Zundel is using other means to fight his deportation to Germany. He has filed a complaint with the United Nations Human Rights Commission seeking his release and prohibition against his deportation. He has also filed a lawsuit against the federal government, charging that the two years of detention have violated his Charter rights.

If the security certificate issued against Mr. Zundel is upheld by the courts, will he be removed immediately or will he have to remain in Canada while the other proceedings are dealt with?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question asks for a decision with respect to an event that will occur in the future. I am not in a position to give a specific answer at this time.

Senator Tkachuk: Last fall, a delayed answer to a question I posed about the cost to taxpayers of Mr. Zundel's stay in Canada produced the following response:

As of November 30, 2004, Mr. Ernst Zundel has been detained at the Metro Toronto West Detention Centre for a period of 650 days at a cost of \$113,750.

I do not believe this amount includes the cost of the lengthy court proceedings surrounding Mr. Zundel. Could the Leader of the Government in the Senate make inquiries and report back to us as to the total cost to taxpayers of Mr. Zundel's stay in Canada, including the costs of the court proceedings? I might note that this is in the past tense.

Senator Austin: In which case, Senator Tkachuk, I will seek the answer for you.

ENVIRONMENT

PLAN TO IMPLEMENT KYOTO ACCORD

Hon. Michael A. Meighen: Honourable senators, as we are all aware, today the newspapers are full of reports emphasizing that today is Kyoto day. Today is the day that the agreement enters into force. If my recollection serves me well, no less of an authority than Prime Minister Martin once said that Canadians would be foolish to go forward in the implementation of Kyoto without a plan.

• (1420)

Unless I have lost my eyesight, I can see no plan. There seems to be no plan whatsoever except, perhaps — to be kind — a rather controversial step to possibly buy hot-air emissions from other countries.

Is that the plan? Is that all there is? If not, I would ask the Leader of the Government: Where is the beef? There is no plan, and we are wandering in the darkness.

Hon. Jack Austin (Leader of the Government): Honourable senators, the question from Senator Meighen is most commendable. As honourable senators know, the Rio conference of 1992, in which Canada was a major participant and in which the then Prime Minister, Brian Mulroney, was a major force, gave rise to this process which is now called the Kyoto process. The result of that process was that Canada, under those commitments, entered into a protocol in 1997.

It is the intention of the Government of Canada to release a plan that will reach the targets set under that protocol. As Minister Dion said this week, the plan is not ready, and we have some time yet with respect to its presentation.

Those on the side opposite have to be very careful not to be critical of Canadians, but that is what they are doing. They are being critical of a vast number of Canadians because the creation of a plan that can be implemented successfully depends on a dialogue with, and consensus building among Canadians.

Perhaps the opposition is aware of the discussions that are being continued now within the auto industry with respect to compliance, or perhaps the opposition is indifferent, and has a plan that is indifferent to the auto industry. Perhaps they have a

plan that is indifferent to the major producers in this country, such as the oil sands producers. Maybe the opposition does not care about the consequences to the producers' economic well-being, in which, in turn, is reflected Canada's economic well-being.

The Government of Canada cares, and we are willing to be patient and to work through the dialogue so that we reach a consensus that can be implemented in accordance with our Kyoto commitments.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): I have the honour to present a delayed answer in response to an oral question raised in the Senate on December 15, 2004, by Senator Di Nino, regarding the federal government's response to reported links between airport businesses and organized crime.

TRANSPORT

AUDITOR GENERAL'S REPORT— AIRPORT BUSINESSES LINKED TO ORGANIZED CRIME

(Response to question raised by Hon. Consiglio Di Nino on December 15, 2004)

In March 2004, the Auditor General of Canada released a report (*National Security in Canada — The 2001 Anti-Terrorism Initiative*) stating that the RCMP had identified 16 businesses operating at airports that were linked to criminal activity such as providing travel arrangements for organized crime, facilitating identity fraud, and selling stolen passes. The firms were associated with biker gangs, organized crime, and drug trafficking.

During the OAG audit process, the RCMP was asked to conduct indices checks on a number of clearance holders working at Canada's airports, and a number of possible hits were identified.

With respect to the question regarding the 16 businesses identified in the OAG report, the RCMP does not comment on operational police matters or investigations, but will take action as is appropriate regarding criminal activity.

The RCMP continues to work collaboratively with Transport Canada as part of the government's plan to enhance security measures and deal with potentially harmful situations in Canada's airports.

In March 2004, the RCMP and Transport Canada entered into a Memorandum of Understanding (MOU). The MOU was signed as a result of the OAG recommendations dealing with security gaps at Canada's airports and outlined in the March 2004 audit report.

Under the MOU, names submitted by Transport Canada to the RCMP for enhanced checks are processed by the RCMP through various databases. The RCMP notifies Transport Canada accordingly.

As owner of the Transportation Security Clearance Program (TSCP), Transport Canada is responsible for all decisions related to the rescinding or granting of security clearances.

POINT OF ORDER

Hon. Noël A. Kinsella (Leader of the Opposition): On a point of order, honourable senators, I know that the minister has told us that we ought not to anticipate things in the future, and of course he will recall that, in answer to one of the questions, he anticipated that the honourable member from Newmarket—Aurora will be a member of the ministry after the next election. He quoted from a statement that that member made. As we know, under rule 46 it is quite proper to quote a member of the ministry in this house but it is quite out of order to quote anyone else.

I will just read rule 46:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

I just wanted to point out that little lapse of order that has occurred.

Hon. Jack Austin (Leader of the Government): I can understand the problem Senator Kinsella has with the quotation I used.

The Hon. the Speaker: I think, honourable senators, in raising the matter, Senator Kinsella has adequately drawn to our attention the provisions of our rules which he has correctly quoted, and I draw it to honourable senators' attention so that we may avoid it in the future.

[Translation]

ORDERS OF THE DAY

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—THIRD READING

Hon. Aurélien Gill moved third reading of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to raise some questions with respect to Bill C-7, which we now have before us at third reading.

This bill is similar in type to Bills C-32 and C-31, which had an interesting time in the House of Commons last evening.

[English]

We have before us, honourable senators, Bill C-7, another machinery of government bill that made it through first reading in the other place, was accepted in principle in the other place. Everyone was alert. It went to committee, was reported and has now arrived back in this place. We had a good debate at second reading. We raised the very important issue, honourable senators, of parks in Canada, and recognized that parks in Canada used to fall under the Department of the Environment and were moved from that ministry some years ago to the department which was formerly called the Department of Secretary of State, now Heritage Canada. At that time, many people questioned whether that was a good fit.

As we know, we accepted that bill in principle in the Senate chamber at second reading, and it went off to committee where the committee gave study to the bill. It has reported and we are now at third reading. That is the way machinery of government legislation should proceed, if everyone who has a responsibility meets that responsibility.

There are several things worthy of note vis-à-vis this bill. I accept the general principle that it is a prime ministerial prerogative to organize government in the way that a given Prime Minister sees that he or she wishes to organize the machinery of government, but he or she has to come to Parliament to receive the approbation of Parliament. As there will be, through the budget process, the voting of funds for these ministries, in a sense Parliament has a special responsibility to ensure that the machinery that is in place will be able to manage the money that Parliament ultimately will vote.

• (1430)

On Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other acts, we want to thank the honourable senators who sat on the committee and the witnesses who appeared. This is a bill that, as the minister explained when it was before committee, contains nothing really substantive other than this point that I have indicated. However, it gave us an opportunity, honourable senators, to underscore the importance of the park system for Canadians, and make a variety of points of the relationship of the parks to our First Nations people. That point was well made, as was the question of the importance of the husbandry of the parklands that we have.

I wish to underscore that whilst machinery of government legislation may seem somewhat technical and only relate to machinery, it does afford parliamentarians the opportunity to raise these kinds of issues that we raised in the examination of Bill C-7.

Another issue that we had the opportunity to underscore was the need to create new national parks in marine conservation areas. We believe there needs to be some follow-up in that regard.

Honourable senators, in my judgment, this bill was properly handled and managed. We did deliberate on it. I am happy to support the bill at third reading.

[Senator Rompkey]

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, are you ready for the question on this bill?

Some Hon. Senators: Question!

The Hon. the Speaker: It is moved by the Honourable Senator Gill, seconded by the Honourable Senator Watt, that the bill be read the third time now.

Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to and bill read third time and passed.

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Bacon, for second reading of Bill C-20, to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts.

Hon. Gerry St. Germain: Honourable senators, I rise today to speak to Bill C-20, the First Nations Fiscal and Statistical Management bill.

Bill C-20 will create three national financial institutions and one new national statistical institute, as was so adeptly pointed out yesterday by my colleague and friend from British Columbia, Senator Fitzpatrick. Collectively, they are the First Nations Finance Authority, the First Nations Tax Commission, the First Nations Financial Management Board and the First Nations Statistical Institute.

Bill C-20 is basically enabling legislation. Those communities that wish to come under its provisions can do so. There was opposition to this initiative when the concept was first tabled because many thought it forced mandatory participation. The government has said that this is not the case. I believe there has long been a need to create bodies to assist Aboriginal communities in achieving control over their futures.

Canada must take those steps to ensure the revitalization and the continuation of Aboriginal peoples' cultures. However, there are some fundamental ingredients that must be recognized, respected and put into place.

One evening last December, the Standing Senate Committee on Aboriginal Peoples had the pleasure of having an exchange with Professor Steven Cornell, a co-director on the Harvard Project on American Indian Economic Development. This was in relation to a study that the Aboriginal Peoples Committee, under the

chairmanship of Senator Sibbeston, had undertaken on the involvement of Aboriginal communities and businesses in economic development activities in Canada.

Professor Cornell and his colleagues had been trying to understand why some indigenous nations in the U.S. are more successful at producing sustainable, productive economies than others. They found that education — something that I have spoken of many times in this place — location, natural resources, access to capital, and so forth, are essential ingredients to success. However, these ingredients on their own are incapable of producing sustainable development on indigenous lands unless a prior set of factors is in place; factors that are largely political.

Professor Cornell told us that three things emerged from his research as being critically important to sustainable development on indigenous lands. The first is jurisdiction. In essence, where the decision-making power of the indigenous nation itself has risen, the possibilities for development have risen as well. They believe there are several reasons for that, but the most important one is accountability. Professor Cornell said:

As decision-making power moves into indigenous hands, they reap the benefits of good decisions and pay the price of bad decisions, and the consequence, over time, is that the quality of the decisions improves.... Jurisdiction is important is that it moves the development agenda into indigenous hands.... As decision-making power moved into indigenous hands, their ideas about development moved to the forefront of the development effort.

The second finding of their research was that jurisdiction has to be backed up by capable governance. Professor Cornell said:

...decision-making power alone is not enough. Decisions have to be made intelligently. The environment has to be one that invites citizens and non-citizens of these nations to invest time, energy and ideas in the future of those nations. This is a common finding around the world.

He also noted that investors look to what the quality of governance is — Is there a rule of law? Will I be treated fairly in the courts, et cetera? — before they invest. Jurisdiction has to be combined with capable governing institutions.

The third finding, however, was that those institutions have to match indigenous conceptions of how authority should be organized and exercised; because if they are to be successful, indigenous governments must have legitimacy with the people being governed. Where these three elements of jurisdiction, capable governance and culturally appropriate institutions are working together, the research found that the chances of development appear to increase dramatically. When these are in place, the other assets such as education, natural resources, access to capital and the community's location begin to pay off. Where those things are not in place, those assets are likely to be wasted.

Honourable senators, Bill C-20 appears to provide some of those things that Professor Cornell and his group have uncovered as necessary elements to achieving successful economies in Aboriginal communities.

Part of the job as opposition in Parliament is to raise the questions and concerns that, in this case, several Aboriginal communities and their leaderships have raised independently and/or with the AFN in the public forum, and during the bill's earlier incarnations, as Bill C-19 and Bill C-23, in the other place.

• (1440)

Honourable senators will recall that the government first introduced this legislation as part of a suite of legislation dealing with First Nations governance. The governance legislation caused a furor across the country and ultimately died on the Order Paper. Today, Bill C-20 is the third version of this legislative initiative. While the government has made a few minor changes to the legislation as a result of concerns raised in the other place, some concerns linger on, such as with respect to the First Nations Statistical Institute. Why is it not voluntary or an opt-in scheme, just as the other three fiscal institutes are in enabling bodies? The fear from some Aboriginal communities is that INAC, or Indian and Northern Affairs Canada, may coerce communities to participate under threat of stalling or reducing their federal-fiscal transfers.

The concern that the government seems to be bypassing Canada's privacy rule to collect information has also been raised. Is creating this statistical institute in this manner just more convenient for the government? Why would the institute not be enhanced by way of separate legislation?

The statistical institute is not optional. It can collect and use sensitive data about all First Nations without their consent. That is section 105. Some have said that Bill C-20 will ultimately affect the rights and interests of all First Nations in Canada, whether or not they opt in.

While a community can easily opt into the fiscal institute by way of a band council resolution, it appears to be difficult to get out of it. Should this be the case, the band council must get governor-in council-permission — in other words, an Order in Council. If this is true, the Senate committee should question whether it would be better, perhaps, to have a First Nations referendum to get in or out. Give them more control of their own destiny, rather than the paternalistic hammer from Ottawa. Let the people and their governments be the true determiners of their future and their successes.

Bill C-20 is primarily an omnibus bill of fiscal measures to assist First Nations to develop their economies. If everything works well with this legislation, then everything should be okay. However, there is a concern that the first time a community misses a payment, then the matter slides into third-party control, so that other bands may seize the assets and even pass resolutions on behalf of the community, and that external controls will trump the community's own decisions, so the community could lose control over its own assets. The institute's rules do not allow a community to adopt its own development policies, such as tax free terms, because the institutes have one common set of rules and each institute is tied to the next one.

Perhaps the committee should recommend that a feasibility study should be done to see if this new scheme will really work. This bill appears to call for the appointment of six full-time and

upwards of 45 part-time positions. This bill is not yet law, honourable senators, and yet the government has already appointed board people with offices. If this is true, this is the height of sheer arrogance, and this is why the Liberals, with respect, were defeated in the other place last night.

This is pure arrogance, if this allegation and what I am saying here is correct.

Senator Robichaud: Are you not sure?

Senator St. Germain: No, I am not sure, because how do we know what is going on over there? That is a clandestine operation, with your buying golf balls and paying huge commissions to your Liberal buddies in so doing. This is what they have been doing for some time. Why is this legislation needed if nothing changes except partisanship replacement of public service staffing positions? Why is the government spending more tax dollars on new offices? The wholly-appointed government boards perpetuate federal government control, and furthermore, INAC will likely hire more people to oversee these new Crown agencies.

Regarding the appointment process to these proposed boards, the Auditor General of Canada said the following in a report released yesterday:

The changes in the process for appointing directors of Crown corporations, announced in March 2004, have not yet been fully defined or implemented. These changes were put forward by the government to enhance transparency and increase Canadians' confidence that the best people are being appointed to public institutions.

Why are you not listening to her?

Senator Smith: I am listening.

Senator St. Germain: What about the former premier of New Brunswick? He gets the appointment.

Senator Robichaud: Pretty good man.

Senator St. Germain: On an additional matter of transparency and accountability, the AG said that, in her view, the Crown corporations could usefully emulate private sector practices including:

...ensuring that the board plays a key role in its own renewal and in selecting the chair and CEO; strengthening the independence of boards and audit committees; requiring that the mandate and operations of the board be defined; strengthening corporate values and ethics practices; and improving the quality of reporting and disclosure.

Will these new agencies be fully subject to the AG's audits? That, honourable senators, is a good question. Canadians, in particular the Aboriginal communities that come under this legislation, need to know that they are getting good value for their money. In short, perhaps the committee should consider asking for an assessment from the Auditor General's office.

Honourable senators, I think we all agree that one of the responsibilities of Senate committees is to ensure that, during the examination of a bill, all of those groups with different concerns have the opportunity to express themselves. I hope the committee will hear all of the different positions raised in respect of this bill. I believe the Senate committee should send out notices, invite submissions, hold hearings and, after analysis, if the bill has merit, then adopt it. The Senate ought not to push this one through rapidly.

I do believe that these types of institutes would provide Aboriginal communities with appropriate mechanisms to pursue the preservation of their culture within Canada, and that Aboriginal communities will one day be net contributors — not that some are not already — to the country and to our way of life. I also believe that implementing those changes that get Aboriginal communities out from under the paternalistic and archaic Indian Act would be welcomed not just by Aboriginal peoples themselves but by Canadians as a whole.

Honourable senators, thank you for your kind patience. I intend to work very closely with Senator Sibbeston and other members of the Aboriginal Peoples Committee, if the wisdom of this place is to recommend this bill to that committee.

Hon. Tommy Banks: Will the honourable senator take a question?

Senator St. Germain: Very well.

Senator Banks: Is the honourable senator representing the Conservative Party when he is recommending that this bill be sent to study by a committee?

Senator Kinsella: Do not be partisan.

Senator St. Germain: I want it to go to the Standing Senate Committee on Aboriginal Peoples, as a senator. I do not speak on behalf of all these people. If you want to ask them, ask them individually. I am sure they will give you an answer.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Bacon, that this bill be read the second time.

Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (1450)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Milne, for the second reading of Bill S-24, to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Rompkey, P.C.*)

Hon. Sharon Carstairs: Honourable senators, it is the usual custom in this place for either the opposition deputy leader or the government deputy leader to take adjournment on a bill in order to determine from their respective caucuses whether there is interest to speak to the bill. I wish to speak to Bill S-24, and therefore I move adjournment of the debate.

On motion of Senator Carstairs, debate adjourned.

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I had intended to speak to Bill S-6 today, but I have the sense that senators would prefer to adjourn early to attend their respective committees. I will reserve my time to resume debate of Bill S-6 on Tuesday, February 22.

On motion of Senator Banks, debate adjourned.

GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey (Deputy Leader of the Government) moved second reading of Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.—(*Honourable Senator Rompkey, P.C.*)

He said: Honourable senators, the purpose of Bill S-25 is to change the investment powers of the Anglican Church of Canada which are presently limited due to acts passed more than 50 years ago. The General Synod, which is the national assembly and governing body of the Anglican Church of Canada, was incorporated by an act of Parliament in 1921. The act was amended in 1951, in part to permit the General Synod to make investments but subject to certain limitations that were set out in section 6A of the act. Section 6A, which the church wishes to

amend with this bill, restricts the church to investing in defined securities. These restrictions are in the form of a legal list, which is a list of specific investments allowed. Legal lists, for many years, circumscribed the avenues of investment available to charitable institutions and to trustees generally. Such a list was commonly used in legislation at the time of the 1951 act. The legal list was adequate when there was no inflation and when a return of 3 per cent provided adequate income for the beneficiaries of trusts. However, over the past 35 years this concept has been almost universally replaced in Canada by the prudent investor rule.

In simplest terms, the prudent investor rule says that a trustee may invest in any kind of property in which a prudent investor might invest. For instance, Parliament revised the laws governing financial institutions in 1991. It included in the Bank Act, the Insurance Companies Act and the Trust and Loan Companies Act the authority for those institutions to adhere to investment policies that a reasonable and prudent investor would employ to avoid undue risk of loss and to obtain a reasonable return. The Province of Ontario adopted the prudent investor rule as recommended by the Uniform Law of Canada and enshrined this principle into law in the Ontario Trustee Act 1990. However, the Anglican Church of Canada is still governed by a legal list. It must, therefore, change its act of incorporation to allow investment in accordance with modern rules respecting trust investments.

The General Synod of the Anglican Church of Canada therefore proposes to amend section 6A of the act incorporating The General Synod of the Anglican Church of Canada to read:

The Synod may also invest and reinvest any of its funds, including any funds held in trust, in such investments as the Synod considers advisable.

Some of you will remember that the Senate studied Bill S-15 entitled "An Act to Incorporate the Bishop of the Arctic of the Church of England in Canada," sponsored by Senator Meighen a few years ago. This bill also dealt with the limited investment powers of the Anglican Church's Diocese of the Arctic, and this chamber accepted the same amendment that I now propose for the General Synod. I am also pleased that Senator Meighen has accepted to support this bill.

Honourable senators, I ask you to enable the General Synod of the Anglican Church of Canada to invest its monies according to modern regulations.

On motion of Senator Meighen, debate adjourned.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.—(Honourable Senator Stratton)

Hon. Michael A. Meighen: Honourable senators, I rise to speak to the Veterans Independence Program or, as it is commonly known, the VIP, which is the subject of the inquiry by Senator Callbeck.

[Translation]

I, too, am very pleased with the changes announced by the Minister of Veterans Affairs, Albina Guarnieri. In this year of the veteran, I am happy that the minister is extending benefits and that she is giving priority to veterans and their families. Spouses and caregivers play an important role in ensuring that veterans can live independently at home.

They, too, are heroes and the recently announced changes will guarantee that the spouses and caregivers who were previously excluded from benefits can now take advantage of them.

[English]

While I am certainly pleased with the significant progress made thus far, there still exist spouses and caregivers who do not qualify for the Veterans Independence Program. These people are equally responsible for ensuring that our honoured veterans were able to live out their lives in the comfort of their own homes. The persons I speak of are the spouses and caregivers of veterans who did not take part in the Veterans Independence Program.

There are many reasons why veterans may have chosen not to participate in the program. Perhaps a veteran's pride prevented him or her from accepting benefits. Perhaps the veteran did not feel comfortable accepting assistance from the government. After all, these are the same men and women who so proudly defended our country and never asked for anything in return.

• (1500)

Once these veterans pass on, their spouses and caregivers often do require some assistance. For instance, it could be that some basic chores were always done in cooperation with the deceased veteran, or perhaps the spouse or caregiver has now become less able to perform daily chores due to age or health reasons. These lifelong supporters now find themselves incapable of taking care of household cleaning and yard work, but they are unable to apply for the VIP benefits.

I therefore implore the minister to finish the job, to act now without delay, to expand the Veterans Independence Program so that these spouses and caregivers can also receive the assistance of the government for their lifelong dedication and support for our veterans.

Honourable senators, their numbers are diminishing and the cost is small indeed to ensure that all veterans' spouses and caregivers are treated fairly and equally. I ask that all senators support me and Senator Callbeck and others in recommending that the government extend the Veterans Independence Program further to honour the men and women in the background who were so instrumental in supporting our veterans.

On motion of Senator Day, debate adjourned.

The Senate adjourned until Thursday, February 17, 2005, at 1:30 p.m.

CONTENTS

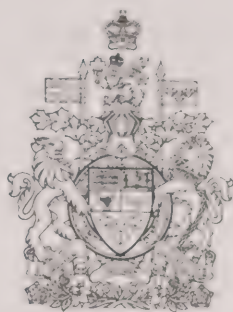
Wednesday, February 16, 2005

	PAGE		PAGE
SENATORS' STATEMENTS		Environment	
Black History Month		Plan to Implement Kyoto Accord.	
Hon. Shirley Maheu	709	Hon. Michael A. Meighen	715
Hon. Pana Merchant	709	Hon. Jack Austin	715
Hon. Ione Christensen	710		
<hr/>		Delayed Answer to Oral Question	
ROUTINE PROCEEDINGS		Hon. Bill Rompkey	715
Federal-Provincial Fiscal Arrangements Act (Bill C-24)		Transport	
Bill to Amend—First Reading	710	Auditor General's Report—	
National Cancer Strategy Bill (Bill S-26)		Airport Businesses Linked to Organized Crime.	
First Reading.		Question by Senator Di Nino.	
Hon. J. Michael Forrestall	710	Hon. Bill Rompkey (Delayed Answer)	715
Assassination of Former Prime Minister of Lebanon, Rafik Hariri		Point of Order	
Notice of Motion in Condemnation and Support of Justice.		Hon. Noël A. Kinsella	716
Hon. A. Raynell Andreychuk	710	Hon. Jack Austin	716
<hr/>		<hr/>	
QUESTION PERIOD		ORDERS OF THE DAY	
International Trade and Foreign Affairs		Department of Canadian Heritage Act	
Defeat of Legislation to Split Department into Two Departments.		Parks Canada Agency Act (Bill C-7)	
Hon. Noël A. Kinsella	711	Bill to Amend—Third Reading.	
Hon. Jack Austin	711	Hon. Aurélien Gill	716
Hon. Terry Stratton	712	Hon. Noël A. Kinsella	716
Hon. Marcel Prud'homme	712		
Hon. A. Raynell Andreychuk	713	First Nations Fiscal and Statistical Management Bill (Bill C-20)	
Treasury Board		Second Reading.	
Auditor General's Report—Crown Corporation Governance.		Hon. Gerry St. Germain	717
Hon. Donald H. Oliver	713	Hon. Tommy Banks	719
Hon. Jack Austin	713	Referred to Committee	719
Hon. Marjory LeBreton	713		
Social Development		Criminal Code (Bill S-24)	
Proposed Child Care Agreement with Provinces—		Bill to Amend—Second Reading—Debate Continued.	
Provision for Official Language Minorities.		Hon. Sharon Carstairs	719
Hon. Lowell Murray	714	Canada Transportation Act (Bill S-6)	
Hon. Jack Austin	714	Bill to Amend—Second Reading—Debate Continued.	
Immigration and Citizenship		Hon. Tommy Banks	719
Refugee Claim by Mr. Ernst Zundel.		General Synod of the Anglican Church of Canada (Bill S-25)	
Hon. David Tkachuk	714	Private Bill to Amend Act of Incorporation—Second Reading—	
Hon. Jack Austin	714	Debate Adjourned.	
		Hon. Bill Rompkey	719
		Inequities of Veterans Independence Program	
		Inquiry—Debate Continued.	
		Hon. Michael A. Meighen	720



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 37

OFFICIAL REPORT
(HANSARD)

Thursday, February 17, 2005

THE HONOURABLE DANIEL HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, February 17, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw to your attention the presence in our gallery of some special guests.

I would first like to welcome Her Excellency, Dr. Taha, Ambassador of Sudan. She is accompanied by Marcel Gervais, the Archbishop of Ottawa, as well as members of the Sudanese community. Today, in the parliamentary precincts, they celebrated the Comprehensive Peace Agreement for the South of Sudan, the Naivasha agreement. They are the guests of Senator Jaffer.

On behalf of all honourable senators I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: As well, honourable senators, I draw your attention to the presence in the gallery of Mayor Leo Abbas and three councillors from the Town of Happy Valley-Goose Bay, Newfoundland. They are the guests of Senator Rompkey.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

MEN'S JUNIOR CURLING CHAMPIONSHIP

SASKATCHEWAN— CONGRATULATIONS TO GEORGE TEAM

Hon. Leonard J. Gustafson: Honourable senators, it is my privilege to congratulate the Saskatchewan junior men's curling team on winning the Canadian Men's Junior Curling Championship. This victory adds to a long list of curlers from Saskatchewan who are champions in this great Canadian sport.

Kyle George, the Saskatchewan skip, scored three in the ninth end to defeat the Ontario team eight to five. This win was the thirteenth time that Saskatchewan has won this title, tying Alberta's record.

The Saskatchewan team moves on to the Junior World Curling Championship in Italy from March 3 to 13, and we wish them the very best.

Hon. Senators: Hear, hear!

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

SUDAN—CELEBRATION OF SIGNING OF NAIVASHA AGREEMENT

Hon. Mobina S. B. Jaffer: Honourable senators, today we celebrated the January 9 signing of the Naivasha agreement, a comprehensive peace agreement ending the decades of civil war in southern Sudan, in a reception hosted by the Canada-Africa Parliamentary Association. In our great halls of Parliament, we celebrated this milestone with parliamentarians and leaders of the Sudanese community. We were honoured by the presence of Archbishop Gervais, Prime Minister Paul Martin, Minister of Foreign Affairs Pierre Pettigrew and Ambassador Taha of Sudan.

Canada has welcomed the signing of the comprehensive peace agreement between the Government of Sudan and the Sudan People's Liberation Movement. As Canada's Special Envoy for Peace in Sudan, I was present to witness the signing ceremony in Kenya. This is only the first of many accomplishments that we must support to ensure that the people of Sudan have sustainable peace.

We hope the parties signing the agreement will reach out to all groups to make this peace broad-based and durable. The conflict in southern Sudan has brought death and misery to 2 million people. It is important that we all work hard to ensure that this peace is lasting. While the work of healing wounds in Sudan's south begins, new wounds continue to be torn open in Darfur and the eastern regions. Peace in Sudan will not truly be complete until we are able to address the atrocities that occur every day in Darfur.

In a few weeks, I will be visiting Darfur in eastern Sudan to find ways in which we can encourage the parties to also arrive at a peace agreement so that at long last there will be peace in the whole of Sudan.

Sudan is now looking to the international community, including Canada, to assist them in maintaining their peace, regaining their security and assisting with construction.

Honourable senators, we must not shift our focus. We must continue to support the Sudanese people during this time of construction. Our work will be difficult, but Canada and Canadians know the benefit that a lasting peace will bring, and we must continue to work hard toward this goal.

Archbishop Gervais is in our gallery today to show support to the Sudanese people, and we very much appreciate his presence.

Honourable senators, I know that you would all want me to convey to the Sudanese people that together with them we will not forget the 2 million people who have died in the conflict. The best way to honour their memory is to work toward a continuing peace in Sudan.

• (1340)

ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON, RAFIK HARIRI

Hon. Mac Harb: Honourable senators, Rafik Hariri, former Prime Minister of Lebanon and a catalyst for peace and freedom, has fallen. Nothing can bring him back. These terrorists want to kill the spirit of the people. They have stained the road to peace with his blood, but the road remains and, with resolve, the people continue on their journey.

To the people of Lebanon, we feel your hunger for liberty and your need to breathe the air without the smell of the after-fire. We feel your pain for the loss of your moms and dads. We feel your pain for the loss of your sons and daughters. We stand by you to end the tyranny. Lebanon lives within each of us who values peace and human dignity. Rafik Hariri will join Kamal Jumblat, Bashir Gemayel, Rene Mouawad, Dani Shamoun and others who paid the price for their love of their nation. The march for peace and freedom must continue. As your friends, we will march with you.

WOMEN'S JUNIOR CURLING CHAMPIONSHIP

NEW BRUNSWICK— CONGRATULATIONS TO KELLY TEAM

Hon. John G. Bryden: Honourable senators, I want to congratulate the New Brunswick women's junior curling team for winning the Canadian championship, defeating the undefeated Alberta powerhouse in the final by a score of 9 to 6. Our New Brunswick junior women will move on to the world championships.

[Translation]

ROUTINE PROCEEDINGS

BILL TO CHANGE NAME OF ELECTORAL DISTRICT KITCHENER—WILMOT—WELLESLEY—WOOLWICH

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 17, 2005

The Standing Senate Committee on Legal and Constitutional Affairs, has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-302, An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich, has, in obedience to the Order of Reference of Tuesday,

December 7, 2004, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of observations, see today's Journals of the Senate, p. 449.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

BILL TO CHANGE NAME OF ELECTORAL DISTRICT BATTLE RIVER

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 17, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill C-304, An Act to change the name of the electoral district of Battle River, has, in obedience to the Order of Reference of Tuesday, December 7, 2004, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of observations, see today's Journals of the Senate, p. 450.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

ANTI-TERRORISM ACT

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES— REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Special Senate Committee on the Anti-terrorism Act, presented the following report:

Thursday, February 17, 2005

The Special Senate Committee on the Anti-terrorism Act has the honour to present its

FIRST REPORT

Your Committee, which was authorized by the Senate on Monday, December 13, 2004 to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (S.C. 2001, c.41), respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 457.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration two days hence.

FOREIGN AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY ON MATTERS RELATING TO AFRICA PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, February 17, 2005

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Wednesday December 8, 2004 to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 463)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY ON ISSUES RELATED TO FOREIGN AFFAIRS PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, February 17, 2005

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday October 21, 2004, to examine such issues as may arise from time to time relating to foreign relations generally, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 468.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 17, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRD REPORT

Your Committee recommends that the following funds be released for fiscal year 2004-2005.

Foreign Affairs (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 750
Other Expenditures	\$ 750
Total	\$ 4,500

Respectfully submitted,

GEORGE FUREY
Chair

The Hon. the Speaker: When shall this report be taken into consideration, honourable senators?

On motion of Senator Furey, report placed on Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

Hon. Consiglio Di Nino presented Bill S-27, respecting Scouts Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL INCOME STABILIZATION PROGRAM—SUGGESTED CHANGES

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian Agricultural Income Stabilization Program was introduced by the government to stabilize the farm situation, which we all know is critical. In response to a question I posed last week, the leader asked me to revisit the subject this week.

The CAIS program works well for some farmers if the margins were set at the right level. If farmers have two or three years of

drought and a very low margin, it does not really work. Many of the farmers who are in the most trouble are in that bracket.

Second, money has to be paid up front. If a young farmer does not have the money or cannot borrow it to put up front, he is in trouble. If he has money from the Net Income Stabilization Account, he can transfer it, but those who are in the most trouble do not have that support.

Has the government studied the problem? I have communicated with many farmers and farm groups that have appeared before the Agriculture Committee. They raise these two points on the CAIS program again and again.

Hon. Jack Austin (Leader of the Government): Honourable senators, I did want to be in a position to speak more directly to the CAIS program. The honourable senator and I exchanged comments a short time ago.

I would like to provide honourable senators with some information about the CAIS program. This is a national whole farm program that provides integrated income stabilization and disaster assistance to all producers in Canada. Interim payments for 2004 CAIS are available in all provinces where the federal government delivers the program: British Columbia, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, Newfoundland and Labrador and Yukon.

Where the province delivers the program, which is in Alberta, Quebec and Prince Edward Island, there have been commitments to interim payments as well for 2004. Ontario has not elected to provide any interim payments for 2004.

I can inform the honourable senator that those interim payments have been increased from 50 per cent of the producers' estimated CAIS payment to 70 per cent, and a special advance payment is now available in all provinces except Ontario and Alberta. This advance consists of up to \$100 an animal for producers of eligible cattle and ruminants based on inventories as of December 23, 2003. Each of Alberta and Ontario are offering different special advances.

With respect to the specific question, as the honourable senator well knows, the program is federal-provincial in nature, meaning that the federal government cannot act unilaterally. However, the Minister of Agriculture has advised me that he has discussed the recommendation to eliminate the deposit with his provincial counterparts. They have agreed to look at alternative mechanisms that will better support active risk management by producers.

On an interim basis, the ministers have agreed to extend the one-third simplified deposit for CAIS for the 2004 program year in all provinces. The deposit deadline for 2003-04 program years has been extended to March 31, 2005, in every province except Ontario.

Under the current program rules, producers are required to make a deposit into their CAIS accounts that will secure the level of protection they have selected. However, those deposit options are currently under review for the 2005 program year.

The decision on the deposit requirement for the CAIS program rests with the federal, provincial and territorial ministers of agriculture and is on the agenda for discussion at their upcoming meeting in March.

Senator Gustafson: Do I understand correctly that the 2004 program will not be covered up front?

Senator Austin: My understanding is that the 2004 program is not being amended to remove the deposit. The ministers have agreed to extend the one-third simplified deposit for 2004. Whether or not the 2004 year is on the agenda of the meeting of agriculture ministers in March, I cannot say. I was told that the question of eliminating the deposit is on the agenda for 2005.

Senator Gustafson: The problem is that March 31 comes up pretty quickly for the 2004 program. The real problem lies with having to put the money up front. If a farmer does not have the money, he will not be part of the program.

Most farmers will file for that program after they file their 2004 income tax returns. That is what allows them to come up with the numbers to stabilize their farming practices.

Senator Austin: Honourable senators, I know that premium adjustments will be considered as well at the meeting of agriculture ministers in March. I know that for 2004, the simplified deposit requirement to which I have referred has been introduced, as well as an increased payment cap, a negative margin coverage and a linkage between CAIS and production insurance. The honourable senator will know the meaning of what I have just said better than I do because I do not have the mathematics. I do, however, have the assurance of the minister that those issues are dealt with.

Senator Gustafson: First, I wish to thank the honourable senator for the work he has done on this matter and I would ask him to continue.

• (1400)

The minister who appeared before the committee did indicate that he was aware of problems in these two areas. We would just ask the minister to continue the good work on this very important sector.

Senator Austin: Honourable senators, I want to join with Senator Gustafson on this issue. Both of us, in previous question periods, have made it clear that the income of agricultural producers in Canada is a negative income, to use an economist's term. There are real losses. If this process and the market result continues, it will no longer be a cyclical problem; it will become structural, and there will be real changes pushed into the agricultural producers' communities.

The issue is taken very seriously, Senator Gustafson. You are right to push this issue to the forefront of public attention.

BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE FARMERS

Hon. Gerry St. Germain: Honourable senators, I have a supplementary question on agriculture for the Leader of the Government in the Senate. It is on how situations impact young farmers. Last night, here in Ottawa, I was told of an incident about a particular farmer. He had shipped three cows for auction. After shipping them and putting them up for auction, he received

a bill for 99 cents. Do you understand those figures, Mr. Minister? He got a bill for 99 cents after he shipped his three cows.

The CAIS program, and all these other programs, are significant. Could the leader give us an update on the March 7 opening of the border? The 99-cent cost to the farmer to sell his three cows is as a result of the border closure, and the inability of Canadian farmers to ship live animals across the U.S. border.

Hon. Jack Austin (Leader of the Government): Honourable senators, the issue that exists with respect to the cattle industry is not one that has been created by the federal government or the provinces of this country, but one that was created by action taken by the United States to restrict the movement of cattle of any age across the border.

I would like to tell honourable senators that under the 2003 CAIS Program, the total payment was \$578,736,998. This fund is contributed to on a federal/provincial basis. Serious efforts have been made to support the beef industry.

The Government of Canada believes that on March 7, 2005, unless the United States Department of Agriculture is restrained by a court order, the border will open to live cattle of 30 months or less. It is the position of the Government of Canada that there is no scientific reason why live Canadian cattle of any age should not be allowed into the United States. However, in our view, at least the border will open on March 7, on the assurances of the United States Department of Agriculture, and that will begin to take some pressure off that industry.

Senator St. Germain: Honourable senators, the industry has lost close to \$7 billion. The \$5.5 million I do not want to cast off lightly. The honourable senator says that the government had no responsibility. One of the big areas of responsibility is that we knew, and the government knew, from the experience in the United Kingdom, that there was a problem with the feed that was being provided to the animals.

If that border is not opened, one of the things I believe you will find is the lack of aggressiveness on the part of the federal government in monitoring the feed supply coming from the feed companies and being supplied to the farmers.

Another recommendation was that there be a cull of older cows, because all of this situation impacts on the young farmers. If a farmer ships three animals and ends up not even breaking even; indeed, ends up with a loss by having shipped them, obviously that sort of situation will cause great impact. As Senator Gustafson so deftly points out, the CAIS program does not react quickly enough or effectively enough for these young farmers; that is really the point.

As I say, the government cannot walk away from its responsibility. The feed should have been under closer scrutiny, given what had happened in the United Kingdom, and the government must bear some responsibility for that situation. One of the things that the Americans are concerned about, is that there may still be contaminated feed in the system. Perhaps the Leader of the Government could respond to that.

Senator Austin: Honourable senators, the question of contamination in the ruminant feed system is one that has had a lot of attention recently. The situation in North America has been one of an integrated cattle industry until the United States took action against Canadian live cattle transfers to the United States. The basis of the government policy was an understanding in both countries with respect to the safety of the feed system. The industries have been resistant for some time to the total removal of parts that might cause BSE infection, basing their arguments on the science and economics involved. Now there is an agreement among the industries affected, and with the federal government, to take these additional steps. They add cost to the industry.

With respect to what happens from here on, there is a belief that we have a very safe feed system now in place.

FOREIGN AFFAIRS

ARTS PROMOTION PROGRAM—CUTS TO FUNDING

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I have been advised that the Foreign Affairs Canada diplomacy fund is ending and that, as a result, in March the government will cut the Foreign Affairs Canada arts promotion program by 35 per cent, or about \$2 million. This action has shocked Canada's arts community because this program has helped 400 individuals or institutions annually engaged with the world. The reduction will affect institutions such as the Royal Winnipeg Ballet, the Canadian Opera Company, the National Ballet, the National Arts Centre Orchestra and some other institutions, and prevent them from promoting Canadian culture abroad.

I am asking the Leader of the Government to carry this concern to his colleague, the Minister of Foreign Affairs, and to seek to have this funding restored, or alternative funding provided so that our missions, embassies and consulates abroad, can continue to promote our creative community.

Hon. Jack Austin (Leader of the Government): Senator Carney, I am not aware of the facts that you have stated, but I am a strong supporter of public diplomacy as a part of the Canadian foreign policy thrust. It would be regrettable if there were no programs in this area.

There has been, as honourable senators know, a series of transfers of assignments amongst various departments. I will look into the question and endeavour to respond to it as quickly as I can.

• (1410)

Senator Carney: Honourable senators, Canada's contribution in this area is modest. France, the U.S., the U.K. and Japan spend about \$1 billion a year in promoting their culture abroad. The artistic community was actually seeking another \$10 million over the modest amount it currently receives; therefore, a 35 per cent drop of \$2 million is substantial and will really inhibit our ability to participate in events such as the Edinburgh Festival, the Sydney Biennial, Venice Biennial, the Cannes Festival and all of the major artistic events.

In addition to passing this concern on, could the government leader obtain information on the point he raised? Will alternative funding be made available for this purpose? If so, the artistic community is not aware of it.

Senator Austin: Honourable senators, we will have to await the budget and the budget papers to determine where the government's program decisions lie. That will be next week, and I will make it a point to look for funding in the area of international cultural development.

While I am speaking of that subject, I would like to mention to the chamber that Expo 2005 is in Aichi, Japan. Canada was the first country to commit to be present at Aichi, and we have made a substantial investment in our presence there. We are of the view that the Canada-Japan relationship is one of the most important of our Asian relationships and we seek to develop it.

The Japanese government and the authorities at Aichi are extremely pleased with our presence at Expo 2005 and the program we will be presenting there on behalf of Canada.

Senator Carney: It is exciting to think that Canada will be participating in the Japan Expo, but I am not clear. Is Expo considered a cultural development? What is the linkage between Canada's participation in the trade show in Japan and our concern about the cultural development of our artistic community? Perhaps the theme is considered to be cultural, but I am seeking clarification.

Senator Austin: I appreciate the question because it allows me to develop my statement a bit further. It is an effort on the part of Canada to present itself to the Japanese and the general Asian public. There are a number of cultural events at Aichi. Canadian musicians and theatre will be present. In addition, Aboriginal culture is being presented so that a panoply of Canadian culture will be available over the five months. Of course, Expo 2005 will also be a trade presentation, putting Canada's best products and services foot forward.

As Senator Carney knows, the holistic approach is today the most fashionable of all: marketing Canada — a modern, progressive, technologically advanced and culturally competent country.

ENVIRONMENT

PLAN TO IMPLEMENT KYOTO ACCORD

Hon. A. Raynell Andreychuk: Honourable senators, one of the complaints that I hear fairly regularly now that the Kyoto accord is a reality is: What will it mean for me? Therefore, the consultations as to what will happen are extremely important.

As well as in the 2002 debate over motions about Canada's ratification of Kyoto, Liberals both in this house and the other House rejected amendments aimed at ensuring a substantial measure of federal-provincial agreement on an implementation plan. When will Canadians know what the implementation strategy is as a whole? How will the government approach this

issue with the provinces to ensure that we meet our Kyoto obligations? The real question is when will we have the whole picture?

It is one thing to sign and ratify an agreement; it is quite another to abide by the good faith of signing Kyoto. I do not think the government can implement the accord on its own. It will need the collective will of the provinces, this chamber, the other chamber and the people of Canada.

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Honourable Senator Andreychuk for making the point of my answer yesterday to a question about Kyoto better than I did. Yesterday, the question was: When will we see a plan? My answer was that we are in dialogue with all of the elements of Canadian society to develop a Kyoto plan, and we will take the necessary time to reach a consensus with respect to the plan.

I also take it that the question indicates a commitment to the Kyoto process. If I am correct in that assumption, I am delighted to see an indication that the position taken by the leader of the official opposition in the other House during the election, that is, to scrap Kyoto, is not a part of my honourable friend's view and perhaps not a part of the Conservative Party's view any longer.

Senator Andreychuk: That is part of the problem. I cannot have a view on whether we should continue with Kyoto. We do have the right to opt out of it, as most international agreements allow. I am concerned about the environment. I am concerned that we are putting all our eggs in this Kyoto basket. Even if we could comply with the entire Kyoto plan, we are back to 1990 levels of emissions. We have polluted and polluted the environment.

We have limited and depleting resources. We also have an economy to sustain and a certain responsibility internationally. If I cannot weigh all of those factors to decide whether the plan the government will choose is good, how can I say whether I am in favour of or opposed to the accord? It is rather shocking that in 2005 we are still talking about producing a plan, when in fact we were given assurances in 2002 that there would be a plan ready for implementation. We are condensing the time that we have at our disposal to complete Kyoto. When we signed on to the Kyoto accord, we knew that it was a small measure.

Are we willing to commit horrendous amounts of money simply to comply with Kyoto when we could save the planet in other ways? When will the government show some leadership?

Senator Austin: Honourable senators, to take the last point first, I believe it is real leadership to build a consensus on a Kyoto plan and on our obligations under the Kyoto Protocol and the original Rio commitment that was made by Prime Minister Mulroney. We did not have a plan at that stage. What we had in 1992 was a common goal with a number of countries, the membership of which was defined on February 16. Under that common goal Canada has been proceeding to ascertain what its commitment under the Kyoto Protocol should be and how we implement it. That is what the provinces, the municipalities and industry are

now working toward. Every Canadian is part of the effort to achieve the goals that will make Canada's air, soil and water more environmentally sound.

I want to honour the Standing Senate Committee on Energy, the Environment and Natural Resources for its report entitled *The One-Tonne Challenge: Let's Get On With It!*, which indicates goals and objectives for individual citizens.

Honourable senators, there is a misunderstanding in the country about the complexity of the actions that need to be taken. They are more complex, and we are asking some industries to consider a voluntary restraint process. If we cannot receive voluntary commitments, we may have to consider regulatory constraint. We have to consider provincial jurisdictions that are not uniform in approach.

• (1420)

I understand that it is simple to complain about not having a plan. It is much more complicated to put a plan in place that Canadians will buy into, and that is our objective.

Senator Andreychuk: Honourable senators, that speech was worthy in 1988 when we were talking about and working towards the Rio conference. We talked about the complexity and the difficulties, and who would get credits and who would be subjected to involuntary or mandatory sanction. It is now almost two decades later. Surely, in the meantime, there has been some thinking done on the part of the government about some kind of plan. I hear the leader say that the government is now starting to weigh all of those things and change some things. It is not reassuring, and the question is whether we will meet any of our targets or have plans in place.

I do not think we can use the One-Tonne Challenge, with respect to the work in the Senate or elsewhere, and have the average Canadian know what it means. We have had many environmental conservation programs. I want to know what Kyoto will mean — whether my taxes will be increased, whether I have to change my lifestyle, and what effect that will actually have on the environment.

I do not want to take anything away from other questions. However, the Alberta Energy Minister, Greg Melchin, recently stated that they have not had the kind of partnership that he had wished, and that he does not know anything about the revised, upcoming plan.

When will the government give Canadians and the provinces a time frame and a proposal that we can all work towards? Otherwise, as I have heard other people say, we are spinning our wheels about the good and the bad of Kyoto, rather than the cost and effect of Kyoto.

Senator Austin: Honourable senators, I listened to Senator Andreychuk, and I want to believe that she is concerned to reach a consensus in this country about how to handle Kyoto because those environmental issues are of maximum importance to the safety and security of Canadians and their health. On the basis of that premise, I will say again that consensus-building takes time.

When Canada signed at Rio, there was no plan, there were no targets, there were no objectives. There was just aspiration. That aspiration must be turned into reality, and reality takes time in a federation like Canada, with regional, economic and social interests. Canada is not an easy country to govern, but it is worth governing well.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a response to an oral question raised in the Senate on December 9, 2004 by Senator Stratton concerning the criteria for temporary resident permits.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—MINISTERIAL PERMIT PROCESS

(Response to question raised by Hon. Terry Stratton on December 9, 2004)

The basis for issuing a temporary resident permit (ministerial permit in the previous Act) is set out in section A24 (see annex "A") of the *Immigration and Refugee Protection Act (IRPA)* which came into force in June of 2002 which authorizes Citizenship and Immigration Canada (CIC) to issue Temporary Resident Permits (TRP) to foreign nationals who wish to enter or remain in Canada for a variety of reasons, despite being inadmissible. Inadmissibility may be on medical or technical grounds, or for reasons of criminality, security, human or international rights violations, or organized crime. Issued for a limited period of time and subject to cancellation at any time, Temporary Resident Permits give CIC the flexibility to address exceptional circumstances.

In 2004, approximately 13,575 TRPs were issued, with the vast majority being issued by CIC staff abroad and in Canada, without ministerial intervention. The Minister of Citizenship and Immigration may intervene directly and instruct officials to issue TRPs. In 2004, approximately 6 per cent (875) of all TRPs were issued as a result of ministerial intervention, many of which were for requests initiated by Members of Parliament.

Due to privacy concerns, CIC cannot comment on specific cases. In general:

- A TRP is a facilitative document that allows CIC to admit exceptional cases that fall outside the rules.
- A TRP allows a foreign national who is otherwise inadmissible to stay in Canada for a temporary and limited period of time.
- TRPs are a discretionary tool, issued where there are compelling reasons and when there is little or no risk to Canada.

- The purpose for wanting to come or remain in Canada is always balanced against considerations of public safety and security.
- TRPs are subject to cancellation at any time, provided this is done in a procedurally fair manner.
- A TRP is not a separate immigration program or category.
- Because TRPs are discretionary, there is no formal application process.
- Nearly half of the TRPs issued are to overcome technical problems, such as persons who appear at a port of entry without acceptable documents and students, temporary foreign workers, and other temporary residents in Canada who allowed their status to expire and/or failed to apply for an extension in time.
- TRPs are issued on a case-by-case basis primarily for reasons of family, employment or business, transit through Canada, and tourism.
- Officers in the field have the designated authority to issue permits, except in cases involving serious inadmissibility, for which the cases are dealt with at headquarters.
- TRPs are occasionally issued to foreign nationals with more serious inadmissibility to permit the attendance at peace talks or international conferences held in Canada where their admissibility to Canada is judged to be in the public interest.
- Since the 1976 *Immigration Act*, the number of TRPs issued is reported to Parliament each year.
- The annual report on immigration, tabled in Parliament on October 28, 2004, provides the number of temporary resident permits issued in 2003.
- TRP holders become automatically eligible to apply for permanent residence from within Canada after 3 or 5 years on a TRP depending on the grounds for inadmissibility.

ANNEX "A"

Section A24 — *Immigration and Refugee Protection Act*

Temporary resident permit

24. (1) A foreign national who, in the opinion of an officer, is inadmissible or does not meet the requirements of this Act becomes a temporary resident if an officer is of the opinion that it is justified in the circumstances and issues a temporary resident permit, which may be cancelled at any time.

Exception (2) A foreign national referred to in subsection (1) to whom an officer issues a temporary resident permit outside Canada does not become a temporary resident until they have been examined upon arrival in Canada.

Instructions of Minister (3) In applying subsection (1), the officer shall act in accordance with any instructions that the Minister may make.

ORDERS OF THE DAY

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

THIRD READING—DEBATE ADJOURNED

Hon. Gerard A. Phalen moved third reading of Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

The Hon. the Speaker: Do you wish to speak, Senator Phalen?

Senator Rompkey: Question!

The Hon. the Speaker: I am looking to see if a senator is rising to speak.

Hon. Terry Stratton (Deputy Leader of the Opposition): We need to await the return of our critic. We do not have to rush through these things like we did the other day. Surely to goodness we can have due process in this chamber. I am moving the adjournment in Senator Tkachuk's name.

On motion of Senator Stratton, for Senator Tkachuk, debate adjourned.

[Translation]

PATENT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Joseph A. Day moved second reading of Bill C-29, to amend the Patent Act.

He said: Honourable senators, I am happy to speak today in support of Bill C-29, which contains technical amendments relating to the Patent Act.

One part of this bill concerns a commitment made by Jean Chrétien to Africa and the other part deals with an amendment resulting from a decision of the Federal Court. In Canada, as elsewhere, the patent regime establishes the foundation for a

system that supports innovation and risk-taking by inventors. A patent grants to its owner the right to prevent anyone else from making, using or selling an invention for a period of 20 years from the date on which the application was filed.

Through the office of the Commissioner of Patents, the government collects a number of fees for the maintenance of the patent regime: application fees, examination fees and fees related to issuing a patent, for example.

In addition, annual fees are required to maintain an application or patent. One purpose of these maintenance fees is to encourage applicants and owners of patents to review each year the monetary value of their application or patent. The owners of a valuable patent who profit from the patent system are very willing to pay these fees.

On the other hand, the owners of an inactive patent may conclude that the expense is not justified and decide not to pay the fee. If the fees are not paid, the patent expires and the invention may be used freely by anyone.

Honourable senators, in order to encourage small businesses, individuals and universities, the amount of the fee varies according to the size of the entity. What are known as "small entities" are charged fees that are about half the fees charged to large entities.

The provision establishing the different fees for small entities is at the heart of the technical amendments under discussion today. Over the years, a practice has evolved under which an entity pays a fee corresponding to its size on the date the fee is paid.

If the owner of a patent realized that an incorrect fee was paid inadvertently, the Commissioner of Patents would accept a corrective payment to maintain the validity of a patent. This practice continued for many years until the courts put an end to it as the result of the decision in *Dutch Industries*.

• (1430)

The trial court handed down its decision in August 2001. The court ruled that the law did not give the commissioner the power to accept corrective payments, and that unless the required fee was paid within the prescribed time limit, the patent or application was considered lapsed or abandoned.

The decision was appealed. In March 2003, the Federal Court of Appeal confirmed that the commissioner was not authorized to accept corrective payments. The court also ruled that the status of an entity must be determined when the patent regime is first engaged and that the entity maintains that status throughout the term of the patent.

In other words, if an application for a patent is filed as a small entity, the owner of the patent will continue to pay the fees payable by a small entity as long as the patent remains in effect.

Honourable senators, it is estimated that about 7,000 patents and applications for patents are threatened by this decision. These patents could be declared invalid on the grounds that the amount of some fees paid do not correspond to the appropriate status of the entity.

Without the technical amendments in this bill, honourable senators, there is no possibility for applicants or owners of patents to correct this situation. Without this bill, they cannot maintain their patent rights by means of a corrective payment.

Bill C-29 provides for a period of 12 months during which applicants and owners of patents affected by the *Dutch Industries* decision could legally make any corrective payments and thus maintain their rights.

This bill was quickly approved in the other place and received the support of all parties.

Honourable senators, it is important to keep in mind that in the course of events that gave rise to these technical amendments, everyone acted in good faith. The government acted in good faith in establishing the regime, the owners of patents acted in good faith in the amounts they paid, and so did the Commissioner of Patents.

The decision rendered in *Dutch Industries* was totally unexpected and caught everyone by surprise. Now, we are being asked to deal fairly with those applicants and patent owners.

Let us move quickly to adopt these technical amendments so that those inventors, innovators and entrepreneurs who worked hard to transform their ideas into products and procedures can enjoy the full protection of the Canadian patent system.

Honourable senators, thousands of patent owners are waiting impatiently for the adoption of these technical amendments. These technical amendments may seem secondary to us, but for the owners of patents affected by the *Dutch Industries* decision they can make the difference between the success or failure of their business.

Finally, honourable senators, the bill contains another technical amendment that I am sure should not prompt any objection from us. With Bill C-29, the government is correcting an oversight in the provisions of the Jean Chrétien Pledge to Africa Act adopted in the previous Parliament.

You will recall, no doubt, that Bill C-9, as it was known, provided for the creation of an advisory committee of experts to advise the government on the choice of pharmaceutical products that should be authorized for export under the new compulsory licence regime.

While this Act was being studied in the other place, an amendment was adopted to permit a committee of that chamber to assess and recommend candidates for appointment to the advisory committee of experts.

However, because of a technical error, the bill did not include a provision for a similar role for a committee of the Senate.

With the aim of ensuring the prompt adoption of the bill by Parliament, we agreed to ignore this oversight on condition that it be corrected at the first opportunity.

Honourable senators, the government has kept its promise. With these technical amendments to the Patent Act it has included the amendment dealing with the provisions of the Jean

Chrétien Pledge to Africa Act in order to give the Senate a role similar to that of the other place in assessing and recommending candidates for appointment to the advisory committee of experts.

Honourable senators, I hope you will agree with me that this chamber should deal quickly with these technical amendments.

[English]

Honourable senators, I spent some time explaining the rather complicated process in the Patent Act, but the issue in the end is quite simple. Everybody was operating under the assumption that the rules were being followed with respect to small entities and large entities. Small entities include universities. It turns out that the Federal Court, in interpreting the law, has found that the rules were not being properly followed.

At least 7,000 patents are in jeopardy. Honourable senators can imagine the kind of havoc and indecision in the marketplace that that kind of uncertainty creates. The result is that a business founded on a patent that may or may not be valid will not progress, hire people, borrow money or enter into licensing agreements. It is an extremely unsettling situation which this particular law attempts to rectify. It creates a situation of one year within which all patent holders can look at their patents and rectify the situation. That was promised to the industry, and the industry is very satisfied.

• (1440)

The act was given support by all parties in the other place, and its passage was accelerated, and I am hoping that, under the circumstances, honourable senators will likewise support this particular initiative.

With respect to the other initiative, I would like to thank honourable senators for their understanding. When then-Bill C-9, the Jean Chrétien Pledge to Africa Act came forward, we did not insist upon giving the Senate a similar role to that of the House of Commons on the undertaking that that would be forthcoming. It is now here, and with the passage of this bill the Senate will have the same role as the House of Commons with respect to the group of experts.

Honourable senators, I respectfully request your support for this proposed legislation.

On motion of Senator Stratton, for Senator Kelleher, debate adjourned.

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(Honourable Senator Banks)

Hon. Tommy Banks: Honourable senators, I commend your attention to Bill S-6, which is a bill about railways and the people who run them, and about grain and the people who grow it: matters that are part of our history and heritage. They have been important since day one in our country. They have been important throughout our past. They are important now, and they are cogently important to our future.

I should explain that in devising this bill, I paid great respect to the Canadian tradition, which has served us well, of offering incentives and inducements to those people of great vision who undertook things that most of us thought were impossible; who went to great lengths to plan and finance them and who placed themselves and their investors at great risk in order to roll out those huge infrastructures that have been seen by the rest of us to have possible potential benefits, should they succeed, not only to the immediate time in which they were done but which would accrue to the benefit of Canada and Canadians. We have done that honourably in the case of many huge infrastructure undertakings. When many well-intentioned people in this place would say of them, "That is too big to handle; it is too dangerous, it is too risky," in order to give them a fair shot of survival, we have offered those inducements and incentives which have included, sometimes, flat-out grants of money and land, financing assistance, and very often monopolies. They have been well considered before they were offered, and they were well offered and well accepted at the time and they have served their purposes very well.

In each and every case of those monopolies having been granted to visionaries who were prepared to take those risks and to embark on those ambitious undertakings, Canada and the respective orders of government have gone to the holders of those monopolies and said to them, "It is time now to introduce the element of competition into the provision of that service or goods to Canadians. The time for the justification of the monopoly has passed. You have recouped many times over your investment. You have profited handsomely from your investment, and properly so, on the basis of that monopoly, but it is time to introduce competition." Each and every one of the owners of those infrastructures has asked initially, "You mean you want to allow competition to deliver its services or products over our infrastructure?" and the answer has been, "Yes". It does not make any sense to build a separate set of telephone poles, or a separate electrical distribution system, or a separate gas pipeline, or to restrict bus or truck lines to one owner.

We have introduced competition to the provision of every one of those services to Canadians because we believe in competition in this country, with one exception. That one exception is the monopoly that still survives in respect of the two Class 1 railways in this country that deal with the movement of grain. That is what this bill is about.

It is time to introduce competition to our railways, as we have to all of those other huge infrastructures. The shippers think so. The producers think so. The consumers think so. The provincial governments think so. The Competition Bureau thinks so. The Canadian Wheat Board thinks so. Most Canadians think so.

Competition is provided for in the Canada Transportation Act of 1987, in section 138 among other places. The determination of whether that section will be brought into play when application is made to drive the trains and rolling stock of — shall I call it a guest railway? — along the rails and rights of way of — shall I call it the host railway? — has never been made by the tribunal of the CTA to which those applications are made because they have interpreted that aspect of the act in a way with which many Canadians, including that list that I spoke of a moment ago, disagree.

What is motivating this bill? It is motivated by the need to bring transportation by rail of grain into the 21st century, and in fact, in regard to competition, into the 20th century. Simply put, there is no real competition in this market in respect of Class 1 railways and their rights of way on the tracks that they own. It is the only service or utility, once having been granted monopoly status as an inducement to enter into risky undertakings requiring large amounts of patient capital, in which there is still a monopoly.

Competition has occurred in air travel, in trucking, in bus lines, in telephone, in telegraph, in telecommunications in general, in gas pipelines, in electrical distribution, and even in access to transponders linking to satellites in space. In every other area of commerce in which monopolies were once properly and, to our benefit, granted, competition has been introduced.

The inducement of monopoly was proper and justified in each specific case as it was in the case of railways. Those railways have done a great service to this nation. They have been referred to poetically as the ribbons of silver that bind our country together, and that is correct. The justification for monopolies for railroads in this country has long since been obviated. It was correct when it was granted to the railway owners' great-grandfathers, if there are still any descendants of them who own shares in those railways, but they have long since benefited, as they properly should, royally from those monopolies.

Even though section 138 of the current Canada Transportation Act clearly exists for the specific purpose of bringing about competition in that market, there has never been any such competition. The relevant tribunal has determined — wrongly, in the view of many — that competition should only be brought about in the case of what I would characterize as an emergency and not for the purpose of normal daily commerce, which is the general purpose contemplated in the memorandum of understanding between the Canadian Wheat Board and the Government of Canada.

• (1450)

This is bad for our economy. It is bad for shippers. It is bad for the Canadian Wheat Board. It is bad for the other 48 or so railways in the country. I think I have that number correct. It is bad for the provinces. It is bad for Canadians. It is bad, most of all, for grain farmers.

It is interesting to note that the two Class 1 Canadian railways argue otherwise than they argue here when they are applying for forced access to U.S. owned trackage and rights of way. In those arguments, they say that competition along those U.S. lines,

competition that they argue should be provided by Canadian railways, is good for U.S. business; that competition in rail is the natural state of things; that everyone, including the owners of the trackage, will benefit greatly; that those owners will properly and profitably be paid for the access granted; and that the U.S. consumers and the U.S. economy will all be much better off. They are right when they make those arguments. Canadian railways make those arguments most compellingly when they are arguing that view in the United States. In Canada, however, they have a different view. Perhaps that has something to do with substantial U.S. shareholdings in Canadian railways.

Whatever the cause or reason, the fact is that there has never been any real competition in the carriage of grain by rail on the main lines of the railways in this country, and there should be, for all the reasons that the Canadian railways have argued before the U.S. authorities and for the simple fact that we believe in a market economy in this country and that competition brings efficiency, lower cost and better service.

Mr. Justice Estey in his report to Parliament said so. The Canadian Wheat Board said so. The Competition Bureau said so. The provinces say so. The shippers and the farmers who pay the freight, the rates which have increased exponentially, say so.

The railways argue that there is already a constraint on them by the application of a cap on the rates that they can charge for grain, and that is correct. However, there is no cap on what I refer to euphemistically as ancillary charges that they add on top of the capped rate. They are unchecked and have escalated unchecked. Would competition be good for all of the above? Yes, but apparently, if history is to be judged, it will not happen under the present application of the Canadian Transportation Act.

There are many instances in which I have argued before and will argue again that arm's-length determination of adjudication of matters is best and, in fact, better than action by the government. Arm's-length bodies are a better way to do it in order that those decisions be removed from politics. This is not one of them. The deciding authority in this matter must, in my view, be the government; the minister, the ministry and, in this case, the Minister of Transportation.

The tribunal should certainly fix the rates paid for access and the like and ensure that safety is in place, but the decision on competitive access must be brought back where it belongs, to the Government of Canada, per se, so that it can be held to account.

Why does the carriage of grain require a separate provision as envisaged in this bill? The transportation of grain is separately regulated under the present act, and grain has always and rightly been treated as a separate commodity from general freight. It has always been subject, in Canadian law, to separate consideration. Honourable senators will remember, for example, the Crow Rate.

Any railway that runs over the lines of another railway is, for all intents and purposes, a guest railway and has to pay for the privilege, if that is what it comes down to, or the right of being there. The proposed amendment contained in this bill provides for the rights of both host railways and guest railways on a carefully circumscribed, carefully regulated and carefully compensated basis.

Why does the bill propose, why am I arguing and why do I urge senators that the application should be made to the minister and the decision should be made by the minister and not by the Canadian Transport Agency? It is because the present act provides no exercise of discretion by the minister. By the exercise of a discretionary function the minister can deal properly, objectively and efficiently with circumstances as they rise and with due regard to Canada's national interest. The agency will then exercise its proper function as a regulator of railways operations.

I would like to refer the attention of honourable senators to some observations made by others about this question. This is an excerpt from the presentation of Mr. Michael Sabia, then the Senior Vice-President and Chief Financial Officer of Canadian National Railways appearing before the New York Department of Transportation on March 13, 1997:

Today we are publicly traded on the New York Stock Exchange, and U.S. investors own two-thirds of our company. During the last 12 months, our shares have outperformed all other rail stocks....

This lack of competitive access for railroads operating on New York's western and northern borders will not merely mirror the extraordinary market dominance which Conrail currently enjoys, it will bring with it a threat to the future viability of a number of key New York rail lines....

We have tried to outline the basic architecture of the proposed system in the map accompanying this brief. The system would be founded on three core components; a network of routes, the substantial broadening of access for competing railroads at the all-important Buffalo gateway....

We urge the State of New York to support the Conrail merger transaction —

— which is the matter at hand —

— only if the rail networks so created ensure competitive rail access to New York from the north and from the west. You have a one-time opportunity to establish competitive rail service for markets both upstate and downstate, delivered by operationally and financially strong railroads with connections to markets that matter to New York.

I would like to quote, too, from excerpts from notes of remarks by Paul M. Tellier, then the President and Chief Executive Officer of Canadian National Railways, to the Downtown Jackson Rotary Club in Jackson, Mississippi, on November 16, 1998. He said:

This is a railroad town — a major crossroads in the South. The economic well-being of this city — and Mississippi as a whole — has been closely tied to railroads.

Today I want to talk about how Jackson is becoming a key interchange in a rail network that spans the continent — north to south, and east to west, connecting three coasts....

This map shows how Jackson, Mississippi, becomes a critical interchange point for the marketing alliance. This is where we will pick up Kansas City Southern Railway traffic from Gulfport and Dallas. It is the key interchange in our route between Canada and Mexico.... The bottom line is that we will increase this city's importance as a rail hub....

You can see that the merger, the marketing alliance, and the potential access agreement are good news for Jackson and Mississippi. But they are also good news for shippers who rely upon rail transportation. They provide more competition, better asset utilization, more efficient service through Chicago, and longer hauls, making rail more competitive with trucks.

The CN-IC merger —

— which would be more properly described as a takeover of Illinois Central by CN —

— makes sense...It is the perfect fit at the perfect time. The perfect fit because two railroads join end to end. We meet in Chicago. In fact, we already share intermodal facilities there.

• (1500)

Section 5 of the Canada Transportation Act states, in part:

It is hereby declared that a safe, economic, efficient and adequate network of viable and effective transportation services...that makes the best use of all available modes of transportation at the lowest total cost is essential to serve the transportation needs of shippers...and that those objectives are most likely to be achieved when all carriers are able to compete, both within and among the various modes of transportation, under conditions ensuring that...

(b) competition and market forces are, whenever possible, the prime agents in providing viable and effective transportation services...and that such regulation will not unfairly limit the ability of any carrier or mode of transportation to compete freely with any other carrier or mode of transportation,

The deputy commissioner of competition has observed:

Shippers...require cost-effective transportation systems to maintain current markets and have the potential to expand... Competitive pressure is the best method to ensure that Canadian railroads will maintain, and in fact increase the cost-effectiveness of their systems....

...there does not exist any rail competition for CN for the movement of grain to Prince Rupert. Furthermore there are no cost-effective intermodal alternatives. Trucking is not an available alternative.... There is no alternative mode.... In light of this there are no competitive alternatives available....

CN has a rail monopoly between Camrose and Prince Rupert. Under monopoly, it is generally recognized that

output is lower and price higher than would prevail under competition. In this particular application...

— the proposal to which he was referring —

...could lead to lower rates for transportation of grain to Prince Rupert. This could also result in more competitive rates offered by CN than currently exist.

The Canadian Wheat Board observed:

As concluded in the Estey and Kroeger processes and the subsequent Canada Transportation Act Review, the competitive pressure between Canada's Class 1 railways in Western Canada is lacking, thus leaving many western Canadian shippers captive to a single railway for their service needs....

The CWB believes that the best solution to effectively address the lack of competition...is to implement case-by-case reverse-onus running rights.

I could go on.

Justice Willard Estey said:

The general object of this recommendation —

— to which he was referring in his report —

— is the opening up of the Canadian rail system to competition by and between all competent railway operators, including short- lines.

In the policy statement of the Government of Canada, it said:

The government agrees with Justice Willard Estey's vision that the western grain handling —

They went on to describe the introduction of competition and said that all stakeholders must work together in that regard.

Even though the CTA has not ever granted running rights for the carriage of grain by rail, its members have not been unanimous in the decisions not to do so. One member of the CTA, writing a dissenting opinion in one such case said:

Fundamentally, the overall placement of section 138 of the CTA in the statute fits with the view that it was intended to enhance competition...

...while the national transportation policy does not advocate the pursuit of competition at all costs, the essence or purpose of section 138 of the CTA is the enhancement of competition.

That member went on to observe that:

There can be no doubt that the Canadian Wheat Board is a body that acts in the public interest. Its mission is to market quality products and to provide producers with the best possible return on their grain....

As freight rates and service issues greatly impact the returns to farmers, it is obvious then, in my opinion, that the introduction of competition in the market...would ultimately lead to reduced freight costs and improved services...

In a decision of the Federal Court, I found this:

The appellant is confusing the purpose of the new National Transportation Act, 1987 with that of the previous legislative regime. The new Act is not concerned only with the rights of the railways, but rather with creating a new balance between the rights of shippers and those of the railways. Its goal is an efficient, competitive, reasonably-priced transportation system, not the preservation of the railway's historic sway of doing business.

I could go on and quote, honourable senators, but I will not.

It is clear that the intent of everyone concerned is to bring about competition. It just has not happened. The courts have said so, the Government of Canada has said so, the Canadian Wheat Board has said so, the Competition Bureau has said so, and the act itself says so. They all agree that we should have competition, but it has not happened.

One of the arguments against it is that running rates are terribly complicated things and there should be impediments to them. There are dozens of examples of running rates that already exist in this country. The best known of them, and the most obvious of them, is VIA. VIA Rail runs its rolling stock and locomotives along track owned by other railways. There is no problem with that. It is a right in their case and they pay for it. It is profitable because that payment includes not only the trackage rights of the cost of what is being carried at the moment, but it also is inclusive of the necessary reinvestment in an infrastructure that has to be made. Therefore, it assists the host railway in accumulating money from traffic that would otherwise not be on that line by getting money to reinvest in its infrastructure. There are many other examples as well, dozens and dozens, that I will not bore senators with.

In March 2001, three years after the application that was made by CPR for access to rail in New York, a press release was issued from the New York Economic Development Corporation, which I wish to read to honourable senators.

"The agreement between CSX —

— which is an American railway —

— and Canadian Pacific has already increased rail freight service to the Bronx, Brooklyn and Queens," said Mr. Carey. "With Canadian Pacific operating the 65th Street Rail Yard, we will build on the success of the City and State's demands for competitive rail access in New York City."

These are trackage rights obtained by CPR into New York State. The 65th Street Rail Yard is the biggest rail yard in the New York area. It is in Brooklyn. It is operated on a daily basis by

CPR. One can see CPR trains going across the Devil's Gate Bridge every day. Therefore, not only do they have forced rights to the right of way and trackage, they also operate what is arguably the most important rail yard in New York City.

It is in Canada's interests, in the Wheat Board's interest, in consumers' interest and it is certainly in the farmers' interests, and I believe in the railway's interests, that competition should exist in the transportation of grain by rail. It does not.

In the United States, rail competition like that has been found to be to everyone's advantage, including the advantage of both the host and guest railways. The decision making belongs, in my view, properly in the Government of Canada, per se, in the ministry. There is no cogent argument — and I have looked hard — that I have been able to find against the principle of competition in the granting of running rights for the carriage of grain by rail. Arguments that such rights would result in safety problems simply do not hold. Shared running rights already exist, both voluntary and forced, and none have ever resulted in a safety issue attributable to those rights.

CN and CPR operate over each other's tracks. VIA operates over other the tracks of other railways, and there has never been a safety issue attributable to that fact, or at least that I have been able to find, and I looked hard. Arguments that those rights would harm the fabric and health of our rail transportation system do not hold, and I think they are demonstrably without merit.

Before I leave, I want to list the seven most important requests that are made by the Railway Association of Canada.

Number 7: Governments should promote and support commuter intercity and tourist passenger rail services in major urban centres, corridors and regions across Canada.

Number 6: Governments should invest in private-public partnerships with the railway industry to ensure that short-line infrastructure investment needs are met.

• (1510)

Number 5: The government should adopt a system of full-cost accounting and user pay, (tolls, congestion charges, et cetera) for highways.

Number 4: To encourage inter-modal and freight rail services, a 25 per cent investment tax credit should be granted for investments in qualifying inter-modal or freight rail infrastructure and equipment.

Number 3: The CCA rates for rail rolling stock and track should be increased to at least 30 per cent.

Number 2: The federal fuel excise tax on rail should be reduced from the current four cents per litre.

Number 1: Canadian policy makers must ensure that no regulatory changes are introduced that would permit forced rail access.

Honourable senators, that is where the Railway Association stands. I suggest that they are wrong and that they would be better off, as every other one of the preceding industries that has had competition introduced into it has been. I earnestly hope that we will seriously consider this bill, send to it the appropriate committee for study, and I hope that you will pay a lot of attention to it, senators.

Hon. Noël A. Kinsella (Leader of the Opposition): I would like to ask the honourable senator a question. I wonder whether or not he has consulted with the Honourable Jean Lapierre, the Minister of Transport?

Senator Banks: By letter, I have. The government is not in favour of this bill. The minister is not in favour of this bill. The department is not in favour of this bill.

Senator Stratton: The Senate is not in favour of this bill.

Senator Banks: Senator Day is in favour of this bill. I do not know if you want me to give you details. I have not had conversations, but I have had written correspondence with the present minister and his two predecessors. In each case, I have explained essentially the purpose and the point of the bill.

The most cogent part of the most recent reply, because I want to answer the question fully without reading the whole letter, senator, is that the minister has said, and you should know this, "I hope to be able to table amendments to the CTA in the House of Commons sometime in early 2005. I believe that this is the proper forum for considering potential legislative changes related to railway competition."

I must tell you that I do not agree with that. His main concern is that the concept of making the adjudicative judgment call as to whether an application for access for the transportation of grain should be granted ought to be moved to the minister. He believes that it is more appropriate that those decisions should be made by an arm's-length tribunal, as is presently provided for in the act.

That is the essence of my bill, Bill C-6. It is moving the onus for making that decision to the government and away from the tribunal. That is at the base of the department's and the minister's reservations about my bill.

Senator Kinsella: We need to have more questions, because this is a very interesting and important proposition. Many honourable senators are appreciating what Senator Banks has done and the work he has put into this matter. The honourable senator quoted from a letter. I would assume that if this bill goes to committee, it would be tabled there, but perhaps it could be tabled now. That would help us at this stage. Would the honourable senator consider that?

Senator Banks: Happily. In fact, if it is agreeable, I would ask that all of the correspondence that I have had with the present and previous ministers be tabled in order that senators can see the entire progress from day one. I ask for that permission.

The Hon. the Speaker: That is a reasonable request. However, I need a more precise description of what it is that is to be tabled. If you could provide that now, Senator Banks, that would be helpful.

Senator Banks: I will try to make it inclusive, Your Honour. I am asking for the permission of the house to table, in respect of Bill C-6, correspondence between myself and the ministers of the government, present and past, relative to this bill and its predecessor in the last Parliament, which was numbered Bill S-12. I believe. I stand to be corrected if I have the wrong number. This is the second go-round for this bill. I am asking that correspondence having to do with this bill's predecessor also be tabled so that we can see the line.

The Hon. the Speaker: We are leaving a certain discretion with Senator Banks, but I believe his intent is clear. I will ask the house: It is agreed, honourable senators, that these materials be tabled as requested?

Hon. Senators: Agreed.

Senator Kinsella: My second question is: In the bill, I believe, Senator Banks, and please correct me if I am mistaken, that clause 2 is amending section 138.1, and it is paragraph 3 on which I wish to have some clarification. It is paragraph 3 where the railway company shall pay compensation to the other railway company for the right granted, and under your regime, if there is no agreement, then the minister becomes the arbitrator. I understand the model, and you spoke to that in your speech. I think I have that clear. However, I am not clear on the compensation. Am I correct that the smaller lines, when they go on the main lines now, do pay compensation?

Senator Stratton: As they should.

Senator Kinsella: Is there a problem right now with smaller lines paying the main lines compensation for the use of their tracks?

Senator Banks: Unless I am utterly misinformed, senator, no short line railway now runs its locomotives and its rolling stock on the main line of a Class 1 railway. I stand to be corrected on that, but I do not know of any instance in which that is true.

Not only that, but my information is to the following effect: If you are a short line railway wishing to obtain either lease type access or to purchase the trackage and rights of way previously owned by a Class 1 railway in order to operate on it as a short line railway, it is normally a pre-condition of beginning negotiations on that access to the short line, to the spur line, that you must undertake that you will not ever ask for access to the main line. In the railway business, it is called haulage rights as opposed to trackage rights. When the little engine that could comes to the point of juncture between the short line railway on the one hand and the host main line railway on the other, trackage rights cease, and the traffic, the cargo, is turned over to the main line railway for transport on the main line.

For example, if you were a grain shipper and you called a short line railway in Manitoba, Saskatchewan or Alberta to ask for a quote to move grain to Prince Rupert, you could not get one from a short line railway. They simply say that you must call CN or CP to find out about that. When you make that call, you will find that the cost of moving a carload of grain from, for example,

Kindersley, Saskatchewan, to Prince Rupert from both of the main line railways is either exactly the same or, if there is a difference, it is in fractions of cents.

• (1520)

I do not know of any instance but I hope to try to find instances in which there is a short line railway, in other words, any railway in Canada other than the two Class 1 railways that runs its locomotives and its rolling stock with its laden cargo for any length of time along a Class 1 railway's main line in the sense that that is normally talked about.

There are some examples where short line railways, in very short distance transit situations and by paying access rates, use the trackage and rights of way of the main lines of the Class 1 railways. However, when it comes to any kind of distance, such as the distance between Camrose, Alberta, and Prince Rupert, no short line railway has any right to run grain for that distance. They have haulage rates. As soon as that juncture occurs, the load is turned over to the crews and locomotives of the Class 1 railway. I think I have answered your question.

As to the question of any problem in the payment by short line railways for the access rights that they presently pay when they have not purchased the lines over which they run, I know of no such problem. I have not specifically inquired into that, but I have never heard of such a problem.

As to the determination of the rates that would be paid to a host railway by a guest railway for the movement of grain, the means by which that can be calculated has been agreed to. It has all been worked out. It is done on the basis of how many wheels are travelling over the track and the weight of what is being carried. It is a formula which contemplates, as I said earlier, not only the immediate costs and the safety considerations that will be added to it but also a proportion upon which all sides have agreed previously to internalize the long-term costs of infrastructure, redevelopment and the like.

I do not think that the matter referred to in subparagraph 3 would ever be a matter of any substantive contention because they have already been worked out. In cases where applications have been made, the railways have got together and agreed on a regime and the means by which those access rates would be charged.

Senator Kinsella: In your province of Alberta, are there many short line companies? If so, what are their names?

Senator Banks: I will tell you, sir. First, there is the Alberta RailNet Inc. It happens that Alberta RailNet Inc. is wholly owned by an American rail company. There is Alberta Prairie Railway Excursions. By their name you can tell that they do not carry grain. They carry people on excursions. I believe there are excursion-type railways that run over the main lines of Class 1 railways elsewhere, but I do not know about them. I have paid no attention to them because I am only talking about the carriage of grain, not passengers.

The Athabasca Northern Railway Limited is in Alberta. I think the Central Western Railway has trackage in Alberta. There is the Great Canadian Railtour Company Limited. Again, it is mainly passengers. The Great Western Railway Limited may have trackage in Alberta. The Lakeland and Waterways Railway may have trackage in Alberta.

I believe I have completed the list.

Senator Kinsella: The point that the honourable senator has made for us is that in just one province there are a number of short-haul tracks. Therefore, that raises an important question in terms of capacity for the main lines. This whole issue of running could be a serious impediment to the principal business of our main lines. If all of these short lines somehow had the right to claim running rights on the main lines, it could clog up the main lines, so that not only is it a compensation issue but also a capacity issue.

Therefore, perhaps the Minister of Transport is looking at this dimension as well, and that is why he is opposed to the honourable senator's bill. At any rate, I know my colleague Senator St. Germain has a question.

Senator Banks: I would like to answer the honourable senator's last question. That is why the bill does not start off by saying that every railroad can have access to the main lines of these railways. What the honourable senator said is exactly true. I am referring now to Bill C-6. In the first section of the bill, clause 2(a) refers to a certificate of fitness. There is a regime of determining the kinds of railways that are capable of running over what kind of track.

Not all railways in Canada possess the certification that would permit them to do what is contemplated in this bill. The bill, in any case, does not discuss a situation whereby, if you push this button and pull this ring, sort of thing, then access is automatically granted. It will always be discretionary, and the minister must take the matters the honourable senator has talked about very much into account when answering those questions.

I suspect, and I am guessing at this, that the number of railways that would be qualified to apply by virtue of their certification to run grain along Class 1 railways' main lines in Canada would be in the order of four or five. I say that bearing in mind that there are, if my numbers are right, 48 or 50 short line railways in Canada, in addition to the two Class 1 railways.

The Hon. the Speaker: Honourable senators, the 45 minutes for Senator Banks to speak have expired.

Senator Banks: I ask for leave in order that Senator St. Germain can ask a question.

Hon. Bill Rompkey (Deputy Leader of the Government): Our normal practice is that we would allocate five more minutes, because this discussion is very interesting and not frivolous.

Senator Forrestall: He has been kind enough to mention Minister Mazankowski.

Senator Rompkey: In your five minutes, would you mention Minister Mazankowski?

Hon. Gerry St. Germain: If the government side insists, remember that the Right Honourable Don Mazankowski was the best and greatest transport minister that this country ever had.

Senator Robichaud would have been a close second.

• (1530)

I have a succinct question. When the honourable senator was talking about utilization of rail, he referred to VIA Rail and said it was profitable, unless I misheard him. I am pretty sure I heard the honourable senator say that. We could check the record. If he says he did not say it, well, that is one thing, but if he did say it I think he is in error because I do not think VIA Rail is profitable or ever has been. I will not say that it never will be, particularly if someone like Don Mazankowski comes back to run it.

Senator Banks: In the first place, the Right Honourable Mr. Mazankowski was the best minister of everything, because he was minister of everything.

The honourable senator is quite correct. If I said that VIA Rail was profitable, I was in error. It is not. What I tried and wanted to say was that the arrangement by which VIA Rail pays for access rights to the main lines of class-one railways works out well for both companies, and I gave it as an example of forced access, because I believe that the right of VIA Rail to run its locomotives and rolling stock along class-one railway lines is a question of forced access, not in the sense contemplated by this bill but in the sense that it is an access that is mandated and has been from the beginning of VIA Rail by the Government of Canada.

The honourable senator is quite correct; VIA Rail is not, to my knowledge, a profitable railway.

The Hon. the Speaker: Earlier in the debate there was a request by Senator Banks to table certain documents. He does not have the documents with him. Thus, it is not possible. We will have to leave the matter with the understanding that he will bring those documents to the chamber and request leave that they be tabled in reference to this particular item.

On motion of Senator Kinsella, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator Watt*)

Hon. Charlie Watt: Honourable senators, the coming of the qallunaat and recivilization has not been a good story for us. Long before the Europeans came to discover us through the Hudson Strait, which is a water channel that separates my region of Nunavik in Northern Quebec and the Baffin Islands, we were already expert hunters. We even assisted the whale hunters.

Today, some of those whale bones that are hundreds of years old can still be seen all over the Arctic. We are not newcomers to this land. The inuksuk is not just a pile of rocks, but a testament to our way of life. It is unfair to our ancestors only to recognize the qallunaat as explorers. They came to us and asked us to guide them into our homelands. We Inuit have lived the Arctic way of life for thousands of years, and the inuksuk tell you this.

We already had our system in place, our own laws and our own way of governing ourselves. Trades and other influences have come to us; fur companies, explorers were some of the first. Nevertheless, we Inuit need to explore new ways and innovative methods to coexist and prosper in today's community of nations.

Our lifestyle in the Arctic has gone through many changes through trade, religious and social interaction. However, times do change and we have to look at those changes and ask ourselves, how do we make those changes to benefit the Aboriginal people of Canada and Canadians as a whole? How do we address the decision-making process that seems to not understand the Inuit way of life in the northern environment?

The Inuit traditional way of life and the modern lifestyles are the anchor of our communities. If you change that without our full participation in the decision-making process, you will change our life and our culture until we are no longer Inuit. We do not need someone to do things for us. We need to build local decision-making processes and develop a creative, innovative mechanism and a political instrument that can deal with the questions of our rights as evolving rights. For example, there is a movement in my region of Nunavik to unify political and economic concerns. By bringing two levels of government together, the federal and provincial government, we anticipate this level of negotiation will lead to a special public government and an assembly.

Parliament has long neglected addressing the Aboriginal democratic deficit. Therefore, honourable senators, my office recommends that this enabling legislation be referred to the committee as soon as possible so we can begin examining what it means, to the people and to the country as a whole.

It would be helpful if we could find a way keep that subject matter put forward by Senator St. Germain as an enabling legislation mechanism, if we could keep it before the committee or if we could find an innovative way of keeping it as a topic of continuous discussion, because we cannot come up with one answer for all.

The structure the Government of Canada and the provinces use today to deal with Aboriginal people, at least the Inuit, is to go region by region. That seems to be the process for dealing with the question of improvements.

If we hope to come up with one set of laws, one law fits all, once again, I am afraid, honourable senators, we are going in the wrong direction. The reason I say that, honourable senators, is that this instrument of sober second thought is an important instrument, one that can probably advance this issue. It is important. We cannot go on forever with the way we have been dealing and interacting with our government.

Every time the government has passed a law, we are impacted economically, socially and culturally. When the government does not acknowledge this impact, it costs our community a great deal and affects the movements and the lifestyles of our people. How do we, as an instrument, as a senator, get this message across to the general public of Canada? Hopefully the general public of Canada will assist by way of educating our politicians and begin to start realizing that an imported system, an imported solution, an imported law is not working and is pushing us backwards. This has to stop, honourable senators.

• (1540)

Although I do not agree with the entire bill put forward by Senator St. Germain, I value it because it is enabling legislation. It is much like an empty shell and we can start to find ways to improve it in committee. I hope that the committee will report the bill back to the chamber with recommendations that will enable us to begin dealing with those issues.

Honourable senators, I recommend that this bill be referred to committee as soon as possible.

Hon. Gerry St. Germain: Would the honourable senator accept a question?

Senator Watt: I would.

Senator St. Germain: Honourable senators, as the proponent of this bill, I want you to know that the concept for the bill came from Aboriginal peoples and not from me personally. I do not want to take credit for it. I am not its engineer or architect. This process has taken place over many years. It started in the Slave Lake region of Alberta and now covers the areas of Treaty 6, Treaty 8 and Treaty 11 where chiefs see this legislation as something they could possibly use in their nations that would mitigate costs and expedite the process of gaining self-governance.

Yesterday, I spoke on Bill C-20. I spoke about a professor from Harvard who specializes in Aboriginal studies in North America, but mainly in the U.S. He has pointed out that jurisdiction, governance and the cultural factor in this type of legislation is critical. This could be a tool.

If it would cause the Liberal side to view this bill in a more favourable light, I would be prepared to step down as the proponent of this bill and have a Liberal senator take that role. I am not doing this for myself. I have been asked to do this. I have been approached by chiefs and have attended meetings with Treaty 6 and Treaty 8.

The government wants to take the adjournment of the debate. Possibly other senators would like to speak.

I would like to ask Senator Watt whether he finds this bill threatening to Aboriginal peoples in any way or whether it could encumber them negatively in any way.

Senator Watt: Honourable senators, first, I do not think that sensitive issues such as this should be dealt with on a partisan basis.

Senator St. Germain asked me a direct question. There are two areas in the bill with which I wholeheartedly disagree. However, I do not disagree with the notion of this bill as enabling legislation. Those are matters that can be addressed in committee and, if need be, perhaps some modification could be made.

I would rather that the honourable senator, as sponsor of this bill, and his party as a whole, consider whether we could use this as an instrument for ongoing discussions on the matter. When the bill goes to committee, I would like to have an exhaustive study of it in order to deal with the regional issue.

Senator St. Germain: Honourable senators, I certainly do not want to put a partisan face on this issue. However, I have been a cabinet minister in government, as have Senators Rompkey and Robichaud who sit right across from me, and we know how the system works. Sometimes things happen in the process of governance due to party politics and what have you. I am just looking for a solution for Aboriginal peoples.

I have been a member of the Senate Aboriginal Peoples Committee for a number of years, and I worked on the Aboriginal Committee in the other place as well. Unless we do something different, we will continue to get what we always get.

I do not want to sell the system short. We can look back to the Mulroney era with the Sahtu, the Gwich'in and the Inuvialuit. The Liberals are now making progress with the Tlicho. Progress is being made, but it is so slow and there is so much to do. I would do anything to get a tool that is non-threatening, enabling and helpful. It is not a question of what we will be remembered for, because the day after we retire from here they will say, "Gerry who?" or "Charlie who?" This is about getting something done.

Hon. Serge Joyal: Honourable senators, I want to ask a question of Senator Watt. Senator St. Germain referred to Bill C-20 that was sent to committee yesterday. There is a clause in that bill that is of great importance to us in this chamber, and especially to Senator Bacon, who is Chair of the Standing Senate Committee on Legal and Constitutional Affairs.

Clause 3 of Bill C-20 is entitled "Aboriginal Rights" and reads:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*.

Honourable senators will recognize the non-derogation clause in this bill. I listened carefully to the exchange yesterday. I did not rise to take part in the debate and draw the attention of my colleagues to the non-derogation clause because the subject is already being studied at the Legal and Constitutional Affairs Committee.

Is one of the key elements to the solution that Senator Watt described not in his speech? He said that the Parliament of Canada often adopts legislation that impacts upon Aboriginal people without due care or due recognition of how it affects the Aboriginal people.

I am very happy to see a non-derogation clause. Is that not one of the elements that should be taken into consideration when Senator St. Germain's bill is studied by the Standing Senate Committee on Aboriginal Peoples?

Senator Watt: Certainly, honourable senators, I put emphasis on non-derogation. I have not yet studied closely enough whether the regional wording with regard to non-derogation in section 25 of the Constitution Act corresponds with the regional wording in the bill. I need to look closely at that before I can say that we have something in there that is meaningful.

• (1550)

Dealing with Senator St. Germain's question respecting the enabling legislation concept, when we are examining that we must also examine the way in which the authorities from the outside have a tendency to pass laws that have an impact upon our people in the North. For whatever particular reason, back in 1982, as the honourable senator will remember since he was one of the authors of the Constitution Act, that section 25 was created, the non-derogation clause. Thus when the government was passing laws, that non-derogation clause was built in, because of the lack of knowledge of the ways of the people who live in the North and who will be impacted by those laws, the lack of knowledge of their homeland on the part of the authorities in the south. We provided a mechanism in the Constitution that if they cannot agree with a specific amendment, then the non-derogation clause kicks in. That was one of the original reasons that section 25 came about.

Hon. Bill Rompkey (Deputy Leader of the Government): First, I wish to associate myself with the sentiments of Senator St. Germain, and to tell him that two weeks ago Senator Adams and I were both in Nain for the signing of the Labrador Inuit land claims agreement. This is the last Inuit agreement in Canada. It involves a self-government provision. It involves many other provisions underlining rights and enshrining rights that they already have. The Labrador Inuit felt that they already had those rights, and now the government admits that they have them. These are rights to resources, to hunting and fishing, and so on. That has been my preoccupation for 20 years.

As a matter of fact, the president was in my office this morning to ask how the proposed legislation is proceeding both in the House of Commons and here. I will have the honour of sponsoring that proposed legislation when it comes to the Senate. As well, they visited with Senator Watt this morning to discuss that issue.

I just put that on the record to indicate where my support lies. I fully realize that we are moving too slowly. I realize there are things that we must do. I recognize the scourge of dependency that has grown in this country and the fact that we have to give back to Aboriginal people control over their lives, land and future. I understand that, and am supportive of it. I want to move that issue forward in principle as best I can.

I also want to say today that the more debate we have on this issue, the better. I encourage people to take part in the debate, not to prevent this bill from going to committee but to engage people in the debate because it is a very important debate and one in which I wish to continue to participate.

Having said that, I wish to move adjournment of the debate.

The Hon. the Speaker: I have not been seeing the clock for a few minutes. Do you wish to ask for additional time for this matter? I have a motion, but I think Senator Watt wanted to respond to the comments of Senator Rompkey. Is that correct, Senator Watt?

Senator Watt: Honourable senators, if I could be allowed to make one more point —

The Hon. the Speaker: Honourable senators, is leave granted?

Senator Stratton: No. We need to put a fence around this. No more than five minutes.

Senator Robichaud: That is mean!

Senator Watt: I can definitely respond in no more than five minutes.

Honourable senators, the modern treaty agreement today is being praised, and has been highlighted in such a way that it is a positive solution. It is not. What I am talking about here, honourable senators, is the ability to go beyond the municipal government level so that we can start dealing with our lives, and the impact that the government is having on our lives. If we end up with only a municipal level of power, we cannot do that. That is why we need to spend time exploring various ways of arriving at a good mechanism to interact with the system.

On motion of Senator Rompkey, debate adjourned.

[Translation]

DECENTRALIZATION OF FEDERAL DEPARTMENTS, AGENCIES AND CROWN CORPORATIONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the benefits to the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.—(*Honourable Senator Robichaud, P.C.*)

Hon. Fernand Robichaud: Honourable senators, I am pleased to add my voice to those of Senators Downe and Mercer in encouraging the government to again make an effort to decentralize the federal public service.

We are all aware that the heaviest concentration of federal public servants is in this very region, the National Capital Region. Honourable senators are also well aware that, during the era of budgetary cutbacks and downsizing in the 1990s, the federal public service dropped to 79,000 in the Ottawa-Gatineau region. According to Statistics Canada, and as a result of a deliberate decision to hire new public servants in recent years, the number has increased considerably.

There are, no doubt, some valid reasons for this important increase. Certainly the large number of baby-boomer generation public servants fast approaching retirement age has something to do with it, but that is not what this inquiry is about. Its purpose is to call attention to the benefits to the regions of Canada of relocating federal public servants.

The establishment of federal administrative units in the regions, the moving of major components of federal departments, as has already been done to Charlottetown, or the decentralization of federal agencies or Crown corporations, would help revive regions where the economy is in a precarious situation or unemployment is constantly high, endemic even.

I need hardly tell you that the regions which depend on seasonal employment see the coming of federal government jobs rather like manna from heaven. Federal jobs are rightly considered to be permanent, stable and well-paid, compared to the jobs normally available in these regions. As you know, Canada's regions are overflowing with qualified, available people who can be trained to meet job requirements.

It is obvious that there are important advantages to the Government of Canada in decentralizing government services to various regions of the country. One of the immediate benefits is to bring the administration of federal programs closer to the clients they serve, in the case of government units providing services to a certain clientele.

When the people responsible for a department's operations are located near the clients, they are not only able to respond more quickly to client demand, but they are also more able to understand the concerns of the public.

Having public servants present in the field makes their work more real. They are closer to the daily realities of the public.

I hasten to add that in order to make decentralization effective, headquarters must also decentralize its decision-making power.

• (1600)

Honourable senators, the arrival of a substantial number of new jobs in any region means a significant boost for the local economy. These new jobs are important to regions hard hit by

unemployment and by the slow pace of economic development. The transfer of 200 jobs to a town of 5,000 inhabitants has much more economic impact than a decentralization of these jobs in a big city.

There is also a long-term benefit for the government in terms of operating costs. The costs of renting office space, building new facilities, and purchasing the land and maintenance services needed are lower in the Maritimes than in the national capital region. The employees affected can find housing more cheaply there than in the national capital region.

Decentralization does not necessarily result in the loss of jobs. Employees who are unable to move are typically offered equivalent positions in other departments or agencies. Over the next few years, the number of public servants taking retirement will increase to the extent that affected employees will more easily be reassigned within the Ottawa-Gatineau region.

It must be said that the regional presence of public servants has a considerable economic impact on construction and related industries. Honourable senators, I want to be clear. The primary aim of decentralization is to increase the efficiency of the federal public administration for the benefit of the public and, by so doing, the regional presence of government and its administration becomes an important agent of economic development.

Another not inconsequential aspect is that this generates a greater sense of belonging among the public. The government must maintain its presence and its accessibility if it wants Canadians to continue to believe in Canada and want to remain a part of it.

The Government of Canada already achieved some measure of decentralization in the 1970s, and this was a success, overall. The Public Works and Government Services Superannuation Directorate is located in Shediac. The announcement was made on June 14, 1976. At the time, the directorate employed 400 people, with a payroll of \$4 million. Today, this directorate employs over 500 people and has a payroll of \$23 million.

During that decentralization, a national program was announced from which every region benefited. Today, regional offices are well established and operate efficiently. Modernizing regional facilities also boosts local economies.

Honourable senators, advanced technology now makes it easier to decentralize. Documents can be sent by email in record time. A document prepared in Summerside, Bouctouche or Moose Jaw can be sent anywhere in the country almost instantaneously, with the added advantage to public servants of being in proximity to the clientele and being able to gauge the impact of their decisions.

Far too often, policies are drafted in ivory towers without regard for the negative impact on a given clientele. The goal should always be to strike a balance and to take into account the consequences of implementing policies on the public.

It is not just departments or service delivery corporations that can be decentralized. Entire agencies or departments can be relocated, as was the Department of Veterans Affairs. In southeast New Brunswick, the relocation of the Superannuation Division to Shediac had a tremendous economic impact.

Last week, the Minister of Public Works and Government Services announced the creation of 50 jobs in Shediac to modernize the Superannuation Division systems. It is precisely because the division is already there that these new jobs were added. In southeast New Brunswick this type of announcement makes the front page, while here in Ottawa it would go unnoticed.

Honourable senators, such measures stimulate the development of businesses that provide related services, thereby creating new jobs. The same thing happened when the regional Fisheries and Oceans office to manage the gulf was set up in Moncton, when human resources and employment insurance went to Bathurst, and when the Passport Office was set up in Sydney.

Often when we ask for funding for government priorities, the administration responds with proposals for centralizing employees, claiming that the closure of regional facilities will result in savings. I hope not to encounter this type of reaction.

As Senator Downe was saying, the public service in Great Britain and some other countries have decentralized, or are in process of decentralizing their services. I think it is time to move forward in a new attempt to decentralize the Canadian federal public service. I hope that every region in Canada will be treated fairly.

I very much hope that the government will carry out a program of decentralization of the public service, for this would be a true long-term investment. Another attempt at decentralization would not only provide the regions with new federal jobs but would also, and above all, help them develop a modern and sustainable infrastructure with promise for the future.

Honourable senators, the government has a duty to take action to halt the brain drain emptying our regions, and thereby to encourage the emergence of related businesses that will generate employment and more importantly will provide young people in the regions with the hope they need in order to envisage a future in their own community with optimism and confidence.

Hon. Eymard G. Corbin: I would like Senator Robichaud to know that I support initiatives of this type, and always have. He began with reference to the cuts in the public service in the 1980s, down to 78,000. He then indicated that there had been a considerable increase since then. Does Senator Robichaud have an idea of the growth rate since the previous downsizing?

Senator Robichaud: Honourable senators, I am referring to a chart from Statistics Canada for the Ottawa-Gatineau area, which says there were 98,242 public servants in 2000 and 111,715 in 2004. That is why I said there had been a considerable increase in the region.

Senator Corbin: While he considers the merits of decentralizing the administrative operations of the federal government, would Senator Robichaud also be in favour of the decentralization of certain parts of the private sector?

• (1610)

In general private enterprise tends to concentrate in certain regions of the country. For example, let us take the auto industry. Could we not, at the same time, debate this kind of possibility, in order to provide more realistic opportunities for growth and development to the regions of Canada such as our own, for example?

Senator Robichaud: Honourable senators, it goes without saying, of course, that those of us from the regions would be completely in agreement with such decentralization of private industry.

Honourable senators are aware, of course, that many regional associations are trying by all possible means to invite manufacturing industries to locate in the regions, and offering them all kinds of programs.

They are successful in some cases. In others, these same programs encourage people from the area to get going and start up a business in the private sector.

Very close to home, in Richibouctou, an industry has grown up: in the beginning it had 50 employees; now it has over 500 and distributes its products across the country and even around the world.

Efforts have been made and there is no doubt that if more efforts were made, things would be even better.

On motion of Senator Ringuette, debate adjourned.

• (1610)

[English]

ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON, RAFIK HARIRI

MOTION IN CONDEMNATION AND SUPPORT OF JUSTICE ADOPTED

Hon. A. Raynell Andreychuk, pursuant to notice of February 16, 2005, moved:

That the Senate of Canada joins with the Government of Canada in condemning the terrorist attack that killed former Lebanese Prime Minister Rafik Hariri and extends condolences to the families of those killed or injured and indeed to all the people of Lebanon;

That the Senate of Canada urges the Government of Canada to call upon the Lebanese government and the international community to ensure that those responsible for the planning and perpetration of this attack are brought to justice;

That the Senate of Canada strongly urges the Canadian government to join with the United Nations Security Council in its call for the strict respect of the sovereignty, territorial integrity and political independence of Lebanon;

That a message be sent to the House of Commons upon passage of this motion.

She said: Honourable senators, I am indebted that the motion was read, as I think it is self-explanatory, and its intent is embodied in the various paragraphs.

I also want to thank Senator Harb for his initiative and for continuing to be at the forefront of issues that confront the Middle East, and particularly Lebanon. His collaborative approach on this motion should be commended. I believe all senators in this chamber will be in support of this motion.

Terrorist attacks, wherever they occur, for whatever reason, cannot be condoned or tolerated. When they take the life of prominent people in the community, as happened in Lebanon, it is worth noting. It is also worth noting that other lives were lost and that those lives are equally valuable to the people of Lebanon and to the world community. Therefore, it is the act of terrorism that we condemn today.

We are also urging the Canadian government to continue to put pressure on all involved. This matter should not be put aside as the next issue arises. We should continue to pursue justice for those who died or were injured, and in fact for all the people of Lebanon. If we do not pursue these issues, we will never be able to bring the peace and stability to the region and to the world that we so earnestly hope for.

We are also asking that the Senate of Canada urge the Canadian government to join the United Nations Security Council in its call for the strict respect of the sovereignty, territorial integrity and political independence of Lebanon. Lebanon has suffered through many years of turmoil with intervention from outside, which has not been helpful to the stability, independence and integrity of Lebanon.

We had hopeful signs that Lebanon was in a state of peace and was in a state of continual improvement so that it could rightfully take its place with other nations in the world. We hope that this will not be a setback. We hope that this will be a renewed commitment to peace, security, stability and independence for Lebanon, and we owe them as much as we owe peace to all people, particularly those in Lebanon because of their very difficult recent past.

I believe that it is fitting that we in this chamber do take this moment to stand in solidarity with the people of Lebanon. We believe it should be a parliamentary process, and therefore, in keeping with our past practices, we would simply send the message to the House of Commons and hope that they will pass a similar motion in order that there be a positive signal from all of Canada that we stand against terrorism and we stand for the independence of Lebanon.

[Senator Andreychuk]

Hon. Mac Harb: Honourable senators, I want to thank the honourable senator for co-sponsoring the resolution before the Senate. Senator Andreychuk is a leading advocate for human rights, and this issue goes to the heart of the matter.

There is no doubt in my mind that colleagues will agree that we are unanimous in condemning the terrorist acts that have taken place and that have taken the life of a very important catalyst for peace, not only in Lebanon but throughout the region as a whole.

The United Nations, as honourable senators know, has unanimously passed a resolution calling for the full cooperation of all parties and the full implementation of all previous relevant resolutions by the UN Security Council. The resolution called for the restoration of the territorial integrity as well as the full sovereignty and political independence of Lebanon. I would say that that message was sent clearly, not only to the international community but also to the people of the region so that there will be no misunderstanding about where the international community stands on this issue.

• (1620)

This terrorist attack has provided the international community with an opportunity to go to Lebanon and investigate, along with the Lebanese authorities and regional government, to bring to justice those who have committed this act. There is a need for international involvement in the investigation of this crime where this terrorist attack has taken place. It is my hope that the Government of Canada will see fit to encourage the Government of Lebanon to seek the expertise of international experts from Europe, the United States, and elsewhere around the world to bring these terrorists to justice and move to the next step of ensuring that peace, justice and stability prevail in that part of the world.

I do not want to repeat what the honourable senator has said. I agree fully with her. It is my hope that this resolution will pass from the Senate on to House of Commons and return to the Government of Canada for immediate and appropriate action.

Hon. Terry M. Mercer: Honourable senators, I would like to associate myself with this resolution, as it is extremely important. In the world of international affairs, only once in a while does an opportunity come along to solve a long-standing dispute. Lebanon was so close to having put some of its troubled past behind it.

Recently, I represented the Government of Canada at the Diman Centre in Halifax for a celebration of Lebanon's Independence Day. There is a very large Lebanese community in Halifax, which is an integral part of that city. They have contributed greatly to the economy and to the cultural infrastructure and cultural heritage of the region.

I met some of the leaders in the Lebanese community in Halifax. I was impressed by the enthusiasm, the expectation, and the anticipation that the troubles of recent years were behind them and that they were on the way to resolving things. New buildings were being constructed in Beirut. Tourism was

becoming an industry again. Canadians of Lebanese extraction were going back to their homeland in greater numbers to visit with their relatives.

This tragedy will set that progress back. However, I would like to encourage people in Lebanon and Canadians of Lebanese extraction to rise above this very cowardly act of terrorism and keep that momentum going. Only if we can keep that momentum going will terrorism in that part of the world be defeated. This tragedy comes at a time when there are opportunities for peace in Israel and Palestine. Indeed, if there are foreign powers at play here, I certainly hope that they will come under the wrath of the international community and future sanctions from the United Nations.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Harb:

That the Senate of Canada joins with the Government of Canada in condemning the terrorist attack that killed former Lebanese Prime Minister Rafik Hariri and extends condolences to the families of those killed or injured and indeed to all the people of Lebanon;

That the Senate of Canada urges the Government of Canada to call upon the Lebanese government and the international community to ensure that those responsible for the planning and perpetration of this attack are brought to justice;

That the Senate of Canada strongly urges the Canadian government to join with the United Nations Security Council in its call for the strict respect of the sovereignty, territorial integrity and political independence of Lebanon; and

That a message be sent to the House of Commons upon passage of this motion.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 22, 2005, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 22, 2005, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, February 17, 2005

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0			
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16		
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10							
C-14	An Act to give effect to a land claims and self-government agreement among the Inuvialuit, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13							
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples					
C-24	Bill C-24, An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16							
C-29	An Act to amend the Patent Act	05/02/15							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs					
COMMONS PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations			
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations			

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03							
S-26	Bill S-26, An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10							
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							

CONTENTS

Thursday, February 17, 2005

	PAGE		PAGE
Visitors in the Gallery		Bovine Spongiform Encephalopathy—Effect on Cattle Farmers.	
The Hon. the Speaker	721	Hon. Gerry St. Germain	725
		Hon. Jack Austin	725
SENATORS' STATEMENTS		Foreign Affairs	
Men's Junior Curling Championship		Arts Promotion Program—Cuts to Funding.	
Saskatchewan—Congratulations to George Team.		Hon. Pat Carney	726
Hon. Leonard J. Gustafson	721	Hon. Jack Austin	726
Canada-Africa Parliamentary Association		Environment	
Sudan—Celebration of Signing of Naivasha Agreement.		Plan to Implement Kyoto Accord.	
Hon. Mobina S. B. Jaffer	721	Hon. A. Raynell Andreychuk	726
Assassination of Former Prime Minister of Lebanon, Rafik Hariri		Hon. Jack Austin	727
Hon. Mac Harb	722	Delayed Answer to Oral Question	
Women's Junior Curling Championship		Hon. Bill Rompkey	728
New Brunswick—Congratulations to Kelly Team.		Citizenship and Immigration	
Hon. John G. Bryden	722	Allegations of Political Interference by Minister—	
		Ministerial Permit Process	
		Question by Senator Stratton.	
		Hon. Bill Rompkey (Delayed Answer)	728
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Bill to Change Name of Electoral District		International Interests in Mobile Equipment (aircraft equipment) Bill	
Kitchener—Wilmot—Wellesley—Woolwich (Bill C-302)		(Bill C-4)	
Report of Committee.		Third Reading—Debate Adjourned.	
Hon. Lise Bacon	722	Hon. Gerard A. Phalen	729
Bill to Change Name of Electoral District Battle River (Bill C-304)		Hon. Terry Stratton	729
Report of Committee.		Patent Act (Bill C-29)	
Hon. Lise Bacon	722	Bill to Amend—Second Reading—Debate Adjourned.	
Anti-terrorism Act		Hon. Joseph A. Day	729
Budget and Authorization to Engage Services—		Canada Transportation Act (Bill S-6)	
Report of Special Committee Presented.		Bill to Amend—Second Reading—Debate Continued.	
Hon. Joyce Fairbairn	722	Hon. Tommy Banks	731
Foreign Affairs		Hon. Noël A. Kinsella	735
Budget and Authorization to Engage Services—		Hon. Bill Rompkey	736
Report of Committee on Study on Matters Relating		Hon. Gerry St. Germain	737
to Africa Presented.		First Nations Government Recognition Bill (Bill S-16)	
Hon. Peter A. Stollery	723	Second Reading—Debate Continued.	
Budget and Authorization to Engage Services—		Hon. Charlie Watt	737
Report of Committee on Study on Issues Related		Hon. Gerry St. Germain	738
to Foreign Affairs Presented.		Hon. Serge Joyal	738
Hon. Peter A. Stollery	723	Hon. Bill Rompkey	739
Internal Economy, Budgets and Administration		Decentralization of Federal Departments,	
Third Report of Committee Presented.		Agencies and Crown Corporations	
Hon. George J. Furey	723	Inquiry—Debate Continued.	
Boy Scouts of Canada (Bill S-27)		Hon. Fernand Robichaud	740
Private Bill to Amend Act of Incorporation—First Reading.		Hon. Eymard G. Corbin	741
Hon. Consiglio Di Nino	724	Assassination of Former Prime Minister of Lebanon, Rafik Hariri	
QUESTION PERIOD		Motion in Condemnation and Support of Justice Adopted.	
Agriculture and Agri-Food		Hon. A. Raynell Andreychuk	741
Agricultural Income Stabilization Program—Suggested Changes.		Hon. Mac Harb	742
Hon. Leonard J. Gustafson	724	Hon. Terry M. Mercer	742
Hon. Jack Austin	724	Adjournment	
		Hon. Bill Rompkey	742
		Progress of Legislation	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 38

OFFICIAL REPORT
(HANSARD)

Tuesday, February 22, 2005



THE HONOURABLE FERNAND ROBICHAUD
ACTING SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, February 22, 2005

The Senate met at 2 p.m., the Honourable Fernand Robichaud, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

APPOINTMENT OF ETHICS OFFICER, JEAN T. FOURNIER

Hon. Jack Austin (Leader of the Government): Honourable senators, later this day, I will give notice of a motion whose purpose is to approve the appointment of Jean Taschereau Fournier as the Senate Ethics Officer. This motion, which I will formally move on Thursday, will be seconded by my colleague the Leader of the Opposition, Senator Noël Kinsella.

Honourable senators, this appointment is a key step in the process initiated by the ministerial undertaking that I gave on February 24, 2004. By following this process, the Senate will be taking the initiative of recommending to the Governor-in-Council the name of the individual who would be appointed Senate Ethics Officer. At the time of my undertaking, the government clearly recognized the validity of the views of honourable senators that the Senate Ethics Officer would function in relation to the responsibilities of senators under a code of conduct to be developed by the Senate itself. Accordingly, the Governor-in-Council agreed to await the recommendation of the Senate.

In that undertaking, I also committed to consult and obtain a consensus among senators on both sides of the chamber. In that regard, this motion expresses the consensus of government supporters in this chamber and the seconding of the motion represents the consensus of the official opposition. Both Senator Kinsella and I have consulted with independent senators.

At the core of the Canadian public's confidence in government and in the political process is the ethics and integrity of its institutions and their members. Canadians expect and demand that all their institutions of governance set the highest objective for the performance of public duty by those who hold the public trust.

The Senate Ethics Officer is an officer of the Senate who shall perform the duties and functions assigned by the Senate for governing the conduct of members of the Senate when carrying out the duties and functions of their office. The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate under the general direction of a committee of the Senate that may be designated or established by the Senate for that purpose.

Honourable senators, with this background in mind, I am pleased to join with Senator Kinsella in introducing Jean Taschereau Fournier. I will ask my colleague Senator Kinsella,

in his statement, to provide a background of the career and qualifications of Mr. Fournier to this high office.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Jean T. Fournier is the former High Commissioner of Canada to Australia.

• (1410)

Mr. Fournier is also the former Deputy Solicitor General of Canada. He is being recommended to this chamber as the first person to fill the new position of Senate Ethics Officer, following extensive consultations with the Leader of the Opposition in the Senate, beginning with my predecessor, the Honourable John Lynch-Staunton.

Jean Fournier comes to the post with an outstanding background, one that should engender confidence in his impartiality and his wisdom, both here in this chamber and among all Canadians. His career in the civil service of Canada has spanned 35 years and seven prime ministers, most recently serving with distinction as High Commissioner to Australia. In that post, he had an opportunity to learn of the work in the area of ethics undertaken by members of the Senate of Australia and also to become familiar with the approach being taken by our counterparts in the House of Lords at Westminster.

Jean Fournier worked on diverse projects through the years, including the James Bay and Northern Quebec Agreement, helping with the work associated with putting the Canada Pension Plan on a sound financial footing, the Japanese Canadian Redress Agreement, the establishment of Canada's DNA data bank, and the establishment of FINTRAC, Canada's national agency for attacking the financial roots of organized crime and terrorism.

We have in Jean Fournier a very senior and experienced deputy minister who served as Deputy Solicitor General of Canada for seven years and as the Under Secretary of State for Canada for five years.

Honourable senators who are acquainted with him will know that I have just touched on a few highlights of a truly remarkable career. Individuals with such a long and distinguished track record are few and far between, and I am confident that this chamber will recognize the rare gem that has been turned up in the quest for a Senate Ethics Officer. I am also confident that the Senate will give serious consideration in its resolution dealing with this matter.

NEWFOUNDLAND AND LABRADOR

OFFSHORE OIL AND GAS AGREEMENT

Hon. Joan Cook: Honourable senators, last Monday, February 14 was a monumental day for the people of my home province and for future generations of Newfoundlanders and Labradorians. The signing of the Atlantic Accord was the culmination of a period of passionate and, at times, trying

negotiations between the Governments of Canada and Newfoundland and Labrador. However, with a guarantee of \$2 billion over eight years and the opportunity to become a self-sustaining province, the outcome was well worth the effort invested. All of those involved, especially Premier Danny Williams and Prime Minister Martin, should be proud of the hard work that brought this accord to fruition.

Economic prosperity has eluded Newfoundland and Labrador for far too many years, in spite of its wealth of natural and human resources. This agreement will go a long way in allowing the province to fully maximize its resources and grow into a have-province. However, as Premier Danny Williams stated, this deal is about more than money. As a proud and resource-rich member of the federation, Newfoundland and Labrador's success will be Canada's success.

This day will live on in the collective memory of my province, not only because of the well-deserved economic prosperity it will bring but also because of the cooperation that was realized by the Governments of Canada and Newfoundland and Labrador.

When Sir Cavendish Boyle wrote *Ode to Newfoundland*, he described the province as a "smiling," "frozen" and "wind-swept" land. Honourable senators, on February 14, in that proud moment, we dared to add the word "prosperous," for the signing of the accord is a first step toward that end.

METRO HALIFAX BUSINESS AWARDS

Hon. Donald H. Oliver: Honourable senators, on February 3, the Halifax Chamber of Commerce celebrated the success of some of its members when it held the Metro Halifax Business Awards. More than 600 business leaders filled the Westin Hotel to capacity to celebrate all that is good about doing business in the Halifax metro region. The Metro Halifax Business Awards is the only award ceremony that recognizes all types and sizes of business, celebrating the drive, passion and ingenuity that characterizes the business enterprise in the Halifax metro region.

This year's sponsors included *The Globe and Mail*, the Business Development Bank of Canada, Grant Thornton LLP chartered accountants, and my former law firm, Stewart McKelvey Stirling Scales.

The year 2005 marked the fifth anniversary of the awards. Over the past five years, the awards ceremony has recognized 60 businesses with gold, silver and bronze medals. Twelve awards were granted in four categories: New Business of the Year, Small Business of the Year, Business of the Year, and Business Person of the Year. Colin MacDonald, CEO of Clearwater Foods Limited, was honoured twice, earning a gold award for Business Person of the Year and a bronze award for the second runner-up in the Business of the Year category.

The Halifax Herald Limited received the gold award for Business of the Year. Sarah Dennis, who accepted the award on behalf of The Halifax Herald Limited stated: "Nova Scotians can sometimes be modest about their accomplishments, but the talented collection of companies at this ceremony reaffirms my belief that the province can compete against the best in the world and succeed."

Honourable senators, these awards recognize businesses and business people who exemplify the best the city of Halifax has to offer, innovators willing to take chances, push the boundaries and stretch the limits of success. Honourable senators, I wish to take the opportunity to honour not just the winners but all the businesses and business people in Nova Scotia whose hard work and ingenuity help to make our province a leader in enterprise and innovation.

[Translation]

JUTRA AWARDS

CONGRATULATIONS TO THE HONOURABLE JEAN LAPOINTE AND MR. MICHEL BRAULT

Hon. Viola Léger: Honourable senators, I am extremely proud to have this opportunity to congratulate and applaud our colleague, Senator Jean Lapointe, who has been awarded the Jutra for best actor in a supporting role for his work in the film *Le dernier tunnel/The Last Tunnel*.

Bravo! Bravo! And Bravo!

Jean Lapointe embodies sensitivity, immense sensitivity to everyone he meets and everything he touches. His love of humanity in all its forms is evident in all his songs and all the characters he plays on stage, or on the small or large screen. Senator Lapointe has but one role in life: to love his fellow humans.

Jean, I add my voice to all the thousands who make up your adoring audience: We all love you.

Michel Brault, another of Quebec cinema's greats, also received well-deserved honours at the Jutra Awards ceremonies.

As a cameraman, cinematographer, director and producer, Michel Brault has been associated with nearly 200 productions. His film *Les Ordres* won the best director award at the Cannes Film Festival and four Genies. Michel Brault's personality and talent are an integral part of the evolution of Quebec cinema since the end of the 1950s. According to director Denys Arcand, Michel Brault is "the father of Quebec cinema."

The importance of Quebec cinema to Canadian culture is recognized the world over.

Honourable senators, much could be said about culture in the upper chamber, particularly about the urgency of creating a standing Senate committee exclusively on culture, but today I want to sing the praises of both Michel Brault and the Honourable Senator Jean Lapointe.

In closing, I give you Jean Lapointe's message to his son in the song *Demain mon fils*:

Soon, you will be all grown
Soon, you'll be on your own
Soon, you'll do as you please
Visit places far away
That were dreams yesterday

And take life at your ease
And alone like a new matador
You will enter the ring
Fear and death you'll ignore
Rushing to see what life will bring

Soon, you'll be all grown
Soon, time will be your own
Soon, in your middle age
The wrinkles on your face
Well settled into place
The years will form their cage
And alone like a great matador
You will leave the ring
Your heart and body sore
Dreading what life may bring
Soon you will be old
But you will see fivefold
And looking o'er the years
Then will you understand
What I have learned firsthand
Of my dear father's fears

Watching your own son in the ring
From your lonely distant view
Feeling the terror that can bring
You will know my love for you.

• (1420)

[English]

GUIDE-SCOUT WEEK

Hon. Catherine S. Callbeck: Honourable senators, this week, February 20 to 27, Guides and Scouts across the country are celebrating Guide-Scout Week. During this time, both organizations will come together in friendship and sharing to mark the joint birthday of Lord Robert Baden-Powell, the founder of the Scouting movement, and his wife Olave, the World Chief Guide.

Across Canada, celebrations will include recognition events, special banquets and camps. Members of both organizations may put on displays and demonstrations of Guiding and Scouting activities in shopping malls, store windows, libraries and other public places. One may even see members wearing their uniforms to school and to work.

Also during this important week, Guiding members mark February 22 as World Thinking Day, in honour of the birthdays of Lord and Lady Baden-Powell. This occasion was first created in 1926 at the fourth Girl Guide-Girl Scout International Conference held in the United States. At that time it was decided that there should be a day when Girl Guides and Girl Scouts all around the world think of each other and reflect on their common heritage.

As part of World Thinking Day, Canadian members of Guiding raise funds for the Canadian World Friendship Fund. A portion of this money goes to the World Association of Girl Guides and Girl Scouts to promote Guiding in developing countries, for

mutual aid projects and to support the upkeep of the four world centres. In Canada, the remaining portion funds travel grants for trainers and girls to attend international events, and provides emergency disaster relief at home and abroad.

Through Guiding and Scouting, our youth are building self-esteem and learning the value of public service through activities and projects in their communities. However, this good work could not be done without the dedicated men and women who volunteer their time to help shape our leaders of tomorrow. They are to be commended for their generosity of spirit.

Honourable senators, please join me in honouring the members of Girl Guides and Scouts Canada during this very special week.

[Translation]

ROUTINE PROCEEDINGS

BILL TO CHANGE BOUNDARIES OF ACADIE—BATHURST AND MIRAMICHI ELECTORAL DISTRICTS

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Legal and Constitutional Affairs presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-36, An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts, has, in obedience to the Order of Reference of Tuesday, February 1st, 2005, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of observations, see today's Journals of the Senate, Appendix p. 484.)

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

HUMAN RIGHTS

REPORT TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on Human Rights has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children. In particular, the Committee was authorized to examine: Our obligations under the United Nations Convention on the Rights of the Child; and, whether Canada's legislation as it applies to children meets our obligations under this Convention, respectfully requests that the date of presenting its final report be extended from March 22, 2005 to March 31, 2006 and that the Committee retain until April 30, 2006 all powers necessary to publicize its findings.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

REPORT TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on Human Rights has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's

international and national human rights obligations, respectfully requests that the date of presenting its final report be extended from December 23, 2005 to March 31, 2006 and that the Committee retain until April 30, 2006 all powers necessary to publicize its findings.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

REPORT TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on Human Rights has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite from time to time the President of Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, respectfully requests that the date of presenting its final report be extended from December 23, 2005 to March 31, 2006 and that the Committee retain until April 30, 2006 all powers necessary to publicize its findings.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

REPORT TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW
RELATIONSHIP PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on Human Rights has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite the Minister of Indian and Northern Affairs to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, respectfully requests that the date of presenting its final report be extended from March 31, 2005 to March 31, 2006 and that the Committee retain until April 30, 2006 all powers necessary to publicize its findings.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

DEPARTMENT OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS BILL

REPORT OF COMMITTEE

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, February 22, 2005

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-6, *An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts*, has, in

obedience to the Order of Reference of Tuesday, December 7, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

COLIN KENNY
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kenny, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1430)

THE SENATE

NOTICE OF MOTION TO APPOINT
ETHICS OFFICER, JEAN T. FOURNIER

Hon. Jack Austin (Leader of the Government): Honourable senators, I give notice that on Thursday, February 24, 2005, I will move:

That, in accordance with section 20.1 of the *Parliament of Canada Act*, chapter P-1 of the Revised Statutes of Canada (1985), the Senate approve the appointment of Jean T. Fournier, of Ottawa, Ontario, as Senate Ethics Officer for a term of seven years.

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-39, to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment.

Bill read first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading two days hence.

ANTI-TERRORISM ACT

NOTICE OF MOTION TO AUTHORIZE
SPECIAL COMMITTEE TO MEET DURING
ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Special Senate Committee on the Anti-terrorism Act be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week.

NEED FOR INTEGRATED DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF INQUIRY

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the need for a strong integrated Department of Foreign Affairs and International Trade and the need to strengthen and support the Foreign Service of Canada, in order to ensure that Canada's international obligations are met and that Canada's opportunities and interests are maximized.

[Translation]

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Acting Speaker: Honourable senators, before we proceed with Question Period, I want to remind the Senate that the Budget Speech will be given in the other place at 4 p.m., Wednesday, February 23, 2005. As in the past, senators must take their seats in the section of the gallery reserved for the Senate in the House of Commons. Seating will be first come, first served.

[English]

As space is limited, this is the only way we can ensure those honourable senators who wish to attend can do so. Unfortunately, any guests of senators will not be seated.

QUESTION PERIOD

INFORMATION COMMISSIONER

EXTENSION OF ACCESS TO INFORMATION ACT TO CROWN CORPORATIONS AND GOVERNMENT INSTITUTIONS

Hon. Gerald J. Comeau: Honourable senators, my question is for the government leader. Last week, one of his colleagues, the President of the Treasury Board, outlined several measures that the government intends to take to strengthen the governance and accountability of Crown corporations. Significantly, the government will subject several Crown corporations to the Access to Information Act. However, this is not the first time we have heard this story. Approximately two and a half years ago, the August 6, 2002, *National Post* reported that the bill would be introduced that fall to extend the act to include Crown corporations and other institutions that were then exempt.

The backgrounder this time around states that:

The government will act in a timely manner to implement the measures outlined...through a combination of legislative changes, regulations, policies and guidelines.

Could the Leader of the Government advise us what the government means by "a timely manner"?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would hope, along with Senator Comeau, that "a timely manner" means in good time, that is to say, with all due speed, taking into account due consideration of all appropriate issues that have merit to be considered.

An Hon. Senator: In the fullness of time.

Senator Comeau: I will have to read the blues concerning that response because I still do not know what it meant. The proof is the proof.

Honourable senators, on another question, of the 18 Crown corporations currently exempt, the government is only committing to make an additional 10 corporations subject to the Access to Information Act for now. Eight Crown corporations will therefore continue to be exempt while the government decides how to address the matter of commercially sensitive information. Two of these Crown corporations, VIA Rail and Canada Post, were part of Adscam. Could this be the reason a number of these Crown corporations, including these two, continue to be exempt from the Access to Information Act? Is there a fear that politically embarrassing information might be released to the public?

Senator Austin: Honourable senators, nothing of the sort is the basis for the government's actions. The honourable senator, I am sure, is acquainted with the reality that a number of Crown corporations are active in a commercial role and are exposed to competitive influences from other corporations, both domestic and international. For example, Canada Post is in competition with famous carriers that are not based in Canada. In fact, Canada Post is the subject of a complaint under NAFTA that it is guilty of uncompetitive behaviour.

It is important, honourable senators, as I said last week, that careful consideration is given to protect the investment of the taxpayers of Canada with respect to that type of commercial operation. Where the matters of governance do not relate to commercial questions, then it is the policy of the Treasury Board to make that information available under access to information.

Senator Comeau: On that very question, the minister will know that section 18 of the Access to Information Act does provide the government the means by which it can refuse to divulge information that would be of a commercially sensitive nature. The Access to Information Act already applies to the Business Development Bank, Farm Credit Canada and the Royal Canadian Mint. Therefore, regarding those corporations that are not exempt, the government does in fact have the means to protect that type of commercially sensitive information. As it is written, the law provides protection of such information. Given the existence of section 18 of the Access to Information Act, why should the government continue to exempt these Crown corporations?

• (1440)

Senator Austin: I am not sure that I understand the logic underlying the honourable senator's question. However, some Crown corporations are exempt under existing law. The government is considering whether that existing law needs to be amended in order to provide access to information of a non-commercial kind under the Access to Information Act. The exemption is being examined to determine if it is justified.

FINANCE

AUDITOR GENERAL'S REPORT— FUNDING OF FOUNDATIONS—ACCOUNTABILITY

Hon. Donald H. Oliver: My question is for the Leader of the Government in the Senate. This morning, the Auditor General appeared before the National Finance Committee and again outlined her many concerns regarding using foundations as mechanisms to achieve government objectives. One of her concerns is that she has no legal mandate to follow the money once it has left the treasury. The government tries to paint the existing arrangement as one that keeps the foundations at arm's length.

However, Ms. Fraser gave us an interesting example concerning the British Columbia auditor, who has the power to examine any organization that receives provincial money to find out how that money is spent. Indeed, the British Columbia auditor recently examined the books of the Canadian Institute for Health Information because the government had contributed money to that organization. Ms. Fraser pointed out that no one has suggested that this audit called into question the independence of that organization. However, ironically, she cannot audit the CIHI, even though it has received federal money.

Could the Leader of the Government in the Senate advise the house how, precisely, allowing the Auditor General to follow the money would undermine the independence of foundations or institutes?

Hon. Jack Austin (Leader of the Government): Honourable senators, the discussion of the role of foundations and the views of the Auditor General could be carried on extensively. Perhaps in another part of the Senate's Order Paper, that would be a useful discussion and/or debate item. At the moment, the foundations in question are independent, not-for-profit organizations. The government has encouraged their coming into being as an important policy tool that allows the government to fund initiatives in areas of innovation, research, the environment, and health and education.

In her February 15 report, the Auditor General stated that she does not question the merits of foundations as a vehicle to achieve the government's policy objectives. Therefore, we are talking about the role of the Auditor General in standard financial auditing and in performance auditing. The issue is not that these foundations are not audited, because they are audited according to the standards of the Canadian audit system. As well, under the funding agreements, they are required to do performance audits,

which have been used, traditionally, as management tools rather than as tools for public reporting. Performance audits have been used for the appraisal, by management, of their performance against the objectives to which they agreed, and for Treasury Board to understand whether the performance is in accord with the funding agreements.

The Auditor General is of the view that she should be the auditor who follows the trail of all public funds, wherever they might lead. This government and several other governments, including those under Prime Ministers Chrétien, Mulroney and Trudeau, have taken the position that the Auditor General is an auditor of the ministries and agencies of the government.

If, however, funds are handed to an arm's-length, independent organization, or if they are transferred to the private sector, then the Auditor General's mandate should end at that point. For example, in the so-called sponsorship issue, the Auditor General does not have a parliamentary or legal mandate to go beyond the departments and agencies involved in the transfer of funds. In other words, the Auditor General cannot follow the trail, in a forensic way, to the corporations that received the funds, or beyond them to their subcontractors or their sub-subcontractors. The authority to audit in that way is the jurisdiction of the RCMP or other agencies that have authority to deal with criminal investigations or, as we have seen, it can be done by way of an inquiry mandated with the authority to do that kind of transaction.

The question is: What is the public policy value of the Auditor General contracting with audit firms, who prepare the audits, so that they report to her instead of to management? In other words, these foundations are subject to audits that are commissioned and paid for by management. If they were commissioned and paid for by the Auditor General, likely the same audit firm would be contracted to do the work. That was also true with respect to the performance and value audits.

If you adopt the principle that the Auditor General is entitled to follow all parliamentary funds to their ultimate destinations, uses and consumptions, then no doubt the Auditor General would be interested in auditing the House of Commons and the Senate.

AUDITOR GENERAL'S REPORT— FOUNDATIONS—TABLING OF ANNUAL REPORTS IN PARLIAMENT

Hon. Donald H. Oliver: In response to the Auditor General, the Department of Finance said that the Treasury Board would encourage departments to table the annual reports of foundations in Parliament. In response to a question that I raised this morning, Mr. Tom Wileman, a Principal in the Office of the Auditor General, pointed out that this means that tabling remains at the discretion of the minister.

Honourable senators, the government does not have a problem with the concept of these annual reports being tabled but refuses to make them mandatory. Could the Leader of the Government in the Senate advise whether there is a valid policy reason for such tabling not being mandatory but, rather, left to the discretion and whim of the minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government's policy is that these are independent, not-for-profit organizations that are managed by peer groups according to a mandate and a funding agreement. The tabling of reports of private, non-government organizations was not seen to be logical.

Senator Oliver: Is that the case when \$9 billion is at stake?

Senator Austin: Honourable senators, we have had this discussion before in Question Period. The \$9 billion refers to funds transferred by the Government of Canada to independent, non-profit organizations. Those organizations are accountable, and they do account for their performance.

Tabling in Parliament would require non-government agencies to come forward and justify their performance to Parliament, rather than to the public and to the community which they serve. Is it good public policy, I would ask rhetorically, for Parliament to involve these foundations and their purposes in a political examination? That is a question that I suppose will hang out there for some time.

• (1450)

NATIONAL DEFENCE

SEARCH AND RESCUE— REPLACEMENT OF FIXED-WING AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, my question for the government leader has to do with ensuring that there are aircraft available for search and rescue in Canada. As the leader will recall, the Minister of Finance promised, almost a year ago, some \$300 million to the Canadian Forces to allow them to purchase 15 aircraft within the next 12 to 18 months to replace the aging C-130 Hercules and the CC-115 Buffalo. The Department of National Defence has recently said the procurement to replace the fixed-wing search and rescue aircraft is waiting on the statement of requirements — where have we heard that phrase for the last 20 years — and that that document is waiting for the release of the defence review. Can the minister confirm that this is a proper scenario thus far?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to hear the supplementary question before responding.

Senator Forrestall: As a supplementary question, is it not true that the only reason we have not seen the document from the air force — that is to say, the operational requirements — is that there is an operations and maintenance deficit of hundreds of millions of dollars and they have had to fund operations out of the capital budget? Indeed, is it not true that the defence review funding was contingent upon base closures such as Goose Bay, Bagotville and North Bay? In a minority Parliament where certain political seats are at stake, a bit of pressure probably arises. I am sure the leader's seatmate will agree.

Honourable senators, the defence review had to be rewritten. If that is indeed the case, when can we expect to see it so that the statement of requirements can be released? We must get on with

ordering the necessary replacement equipment so that search and rescue can continue. Surely, none of us believe for one minute that the Canadian Air Force will not carry on search and rescue, no matter what it is this government does to prevent them.

Senator Austin: Honourable senators, I do not mean to be flip by saying that I am sure we will have the answer in a timely manner. I defined what I meant by "timely manner" earlier in Question Period.

I agree with Senator Forrestall that there are outstanding and important questions related to the airlift capacity and the search and rescue capacity of our military. These are issues we have considered in Question Period, and they are being considered in the defence review and by the government. I can give no further advice or facts at this moment. Perhaps on Thursday we could engage in a further question and answer.

CANADIAN BROADCASTING CORPORATION

UKRAINE— RADIO CANADA INTERNATIONAL CUTBACKS

Hon. A. Raynell Andreychuk: Honourable senators, I am again asking the Leader of the Government in the Senate about radio transmission into Ukraine. While I think I received a sympathetic hearing from Senator Austin, I am receiving nothing but pro forma letters from the Prime Minister and the CBC, both indicating the responsibility of the other. The responses are all sympathetic but nothing is happening. The service was cut from a daily service to a two-day-a-week service. We now find out that the shortwave service has been cut, which in essence means that it is not going into Ukraine unless the people there can get it by some other means. The only real transmission is to Kiev, where of course the service is not as important as it is elsewhere. Many people have been counting on receiving information about Canada and the rest of the world from our service, and they are now getting nothing. In helping Ukraine, can the government not put some money where it puts its actions and words? Will there be any service, and will the government intervene? It appears that if we leave the matter to the independence of the CBC and the money it receives from the government, nothing will happen. The service is, in essence, of no value.

Hon. Jack Austin (Leader of the Government): Honourable senators, in answer to the first exchange with Senator Andreychuk, I indicated a similar approach to hers with respect to the importance of Ukraine and the importance of Canada continuing its broadcasting into Ukraine. Since that time, I have spoken to officials in the Department of Foreign Affairs and also to officials of the Canadian Broadcasting Corporation and their international service. Senator Andreychuk has correctly described the current standoff. The CBC advises that they have transferred resources to South American broadcasting and that to remobilize their broadcasts to Ukraine would cost substantial funds, in their terms, which they do not have. The Department of Foreign Affairs has not provided any encouragement that it would contribute anything in the way of funds. One might describe it as all sorts of support short of real help on this particular issue.

I have no further advice to give Senator Andreychuk at this time. The parties have certainly drawn my attention to this matter, but beyond that, I have not been able to effect any developments.

Senator Andreychuk: I think it is incumbent on the government to show its real commitment to Ukraine, particularly when the reduced service is now cut back such that it is no longer a shortwave service. We put Canadian taxpayers' money into supporting a free and fair election and promoting a democratic system in Ukraine, and now we are turning our backs on them. There has to be some response from us. We had an independent Ukraine, and we stopped paying attention to the processes and the needs. We did not fully support Ukraine at that time, and it floundered. We cannot afford to do it a second time. The amount of money needed to continue this service is minimal compared to the benefits of democracy in that country. I am appealing to cabinet to take up the cause.

Senator Austin: Honourable senators, I will continue my representations.

ENVIRONMENT

NATIONAL ROUND TABLE ON THE ENVIRONMENT AND THE ECONOMY—APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. It is "la patronage" time. News that failed Liberal candidate and former Winnipeg mayor Glen Murray has been recommended by the Prime Minister to chair the National Round Table on the Environment and the Economy confirms that cronyism is alive and well in this Liberal government. Surprise, surprise. Could the Leader of the Government in the Senate please explain what environmental qualifications the former mayor has such that he would be picked for this position that pays \$450 a day?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government is quite proud of the appointment referred to by Senator Stratton. The former mayor of Winnipeg was chosen by the people of Winnipeg to be mayor, and in that experience he was acknowledged to be a substantial leader in the development of public policies affecting the well-being of municipalities. He was a leader in bringing environmental practices to Winnipeg and in sponsoring debates with respect to environmental development.

I hope my honourable friend does not think that supporting a political party renders an individual ineligible for public service.

• (1500)

Honourable senators, we all believe that the party system is absolutely the keystone to the way our parliamentary democracy works. We want the best Canadians that can be found to come to Parliament, to the other place or to here, if they are fortunate, and to provide public service of the highest standard. I believe that a

person with former Mayor Murray's qualifications is absolutely unassailable as someone who can provide such public service to this country.

Senator Stratton: Honourable senators, the Leader of the Government explicitly stated that Mr. Murray introduced environmental changes to the city of Winnipeg. Would he mind telling us what those were? I would appreciate knowing that because I recall no significant changes in the city of Winnipeg during his tenure as mayor, although there may have been some minor changes.

I have a supplementary question. This government promised to do things differently. The current Prime Minister promised to do something about the democratic deficit in this country. What does "Mr. Dithers" do? He blatantly rewards a political ally with a cushy government job. The *Winnipeg Free Press* quoted one well-connected Liberal who put in stark terms what this appointment was all about. The Liberal stated, "This is about recognizing that he" — Murray, that is — "made a significant jump from the mayor's office to be a candidate."

However, he was a failed candidate, honourable senators. He lost to a Tory. The mayor of Winnipeg was so popular that he lost to a Tory. That is how popular his environmental changes were. That is how popular he was as a fiscally conservative mayor. He was a very popular mayor.

Could the Leader of the Government in the Senate account for this blatant act of self-serving patronage? I do not believe for a minute that Mr. Murray is qualified for this job. He has no background in matters of the environment whatsoever. He was just a failed Liberal candidate.

Senator Austin: Honourable senators, we are seeing a new definition of "succinct" by Senator Stratton.

Senator Stratton: Remember that. I will remind you.

Senator Austin: Honourable senators, I will have to find out the timing of succinct this afternoon.

Honourable senators, I understand why the deputy leader on the other side is trying to make a show of an appointment of a person who was a Liberal candidate. Partisan politics is something which we have heard of not only in the past, but it is also practised in Ottawa in this current period of political life. I would say again that former Mayor Murray demonstrated exemplary leadership in his role as mayor. He has shown his ability to work with people, to develop consensus, to move issues forward and, in that respect, is admirably suited for this particular appointment.

I would repeat that we should not make a lot of partisanship. I recall former Prime Minister Brian Mulroney taking issue with partisanship when Liberals were being discussed. I believe in one particular instance it had to do with Bryce Mackasey. Does anyone remember that? Yet, when that government came into office, its practices were of equal standard in the area of patronage to that of the previous government.

The merit principle rose dramatically in the Chrétien era, and it continues to rise.

Senator Stratton: Honourable senators, is the leader suggesting that the former Minister of Public Works, who also became a former ambassador, Mr. Gagliano, is a fine example of patronage appointments? Come now, please. I will accept that Mr. Murray could move things forward. My statement was that he is not qualified in the area of the environment.

This Prime Minister promised that he would do things differently. So far he has not shown one example of that. Has he?

Senator Austin: Honourable senators, I do not want to give Senator Stratton the last word because he had nothing new to say in his third intervention, and neither do I.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table in this chamber the delayed answers to four questions. The first is in response to a question raised in the Senate on February 10, 2005, by Senator Gustafson, regarding the Agricultural Income Stabilization Program, suggested changes.

[English]

Honourable senators, I have a second response to an oral question raised in the Senate on February 10, 2005, by Senator Cochrane, regarding compensation for hepatitis C victims. I have two responses to oral questions raised in the Senate on February 1, 2005, by Senator Keon, regarding avian influenza. The first is on the question of screening process and the second is on monitoring in Southeast Asia.

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL INCOME STABILIZATION PROGRAM—SUGGESTED CHANGES

(Response to question raised by Hon. Leonard J. Gustafson on February 10, 2005)

In regards to the declining production margins, the Government of Canada, in cooperation with the provinces, offers a number of programs aimed at providing the agricultural sector with the tools they need to more effectively manage their operations. Business Risk Management programs, such as the Canadian Agricultural Income Stabilization (CAIS) Program, Production Insurance and the Cash Advance Program, are available to provide producers with income stabilization, disaster assistance, crop loss risk management and the availability of cash flow in order to allow them to manage the economic aspects of their operations.

The CAIS Program has been designed to include Production Insurance indemnities and premiums in the reference margin calculation, which helps producers maintain their reference margin, and therefore their

support level, at historic levels. Governments are also considering expanding Production Insurance to include livestock.

That being said, however, the issue of deteriorating farm income has been one of the crucial issues raised by the industry. In order to address this issue, Minister Mitchell has asked the Honourable Wayne Easter his Parliamentary Secretary, to undertake a review of factors impacting on Canadian farm income.

Analysis of the issues identified in the consultations will be undertaken and an action plan will be developed with industry and provincial governments in preparation for the federal, provincial and territorial Ministers of Agriculture at their annual meeting this July.

Meanwhile, governments have been working hard to expand and develop new markets for Canadian products and promoting a fairer international environment to ensure that Canadian producers can maximize revenue from the market place.

In regards to the CAIS deposit, provisions are in place to ensure the CAIS program is accessible and affordable to all producers. The design of CAIS does not require that producers build up significant accounts in order to receive assistance. Beginning farmers can receive significant government support in their first year of operation.

Given the financial crisis facing the agriculture sector and industry concerns with the deposit, the deposit requirements have been simplified, as producers are only required to have one-third of their requirements for the 2003 and 2004 program years to leverage full government assistance. Federal/Provincial/Territorial Ministers of Agriculture asked officials to examine alternative mechanisms to the deposit requirement and will meet in the near future to further discuss this important issue.

HEALTH

COMPENSATION TO HEPATITIS C VICTIMS

(Response to question raised by Hon. Ethel Cochrane on February 10, 2005)

On November 22, 2004, Minister Dosanjh announced the Government of Canada's intention to enter into discussions on options for financial compensation to people who were infected with hepatitis C through the blood system before January 1, 1986 and after July 1, 1990.

Discussions began immediately after that announcement and have been proceeding since then. Discussions have involved many people including: the counsel for those infected with hepatitis C through the blood system before January 1, 1986 and after July 1, 1990; the Joint Committee that oversees the 1986-1990 Hepatitis C Settlement Agreement Fund; the counsel for provincial and territorial governments.

In order to most effectively move this forward, all parties have agreed that, while discussions are ongoing, the substance of the discussions will be kept between the parties.

**AVIAN INFLUENZA—
OUTBREAKS IN SOUTHEAST ASIA—
MONITORING AND SCREENING PROCESSES**

(Response to questions raised by Hon. Wilbert J. Keon on February 1, 2005)

The Government of Canada maintains ongoing vigilance at Canada's airports with the capacity to respond to and assess sick travellers. Quarantine Officers are located at the Toronto, Vancouver, Halifax, Montreal, Calgary, Edmonton and Ottawa International Airports. Established protocols exist with airlines and with Canadian Customs Officers who may identify sick travellers that need to be assessed by a Quarantine Officer at a port of entry. The Public Health Agency of Canada provides up-to-date information to its Quarantine Officers concerning the avian influenza situation, and other disease outbreaks of concern. Quarantine Officers thus maintain a high level of awareness for conditions of concern in their assessment of sick travellers.

Media reports indicated that the only region in the affected areas of Asia that has implemented screening measures for people are at China's points of entry in the provinces of Guangxi, Yunnan and Guangdong.

The Public Health Agency of Canada (PHAC) works very closely with the World Health Organization (WHO) to monitor the avian flu situation in South East Asia and shares the information with provinces and territories. The surveillance and the dissemination of the information is done through various international and national mechanisms.

The Global Public Health Information Network (GPHIN) is a powerful alert system tool developed in 1997 and maintained for the WHO by the Public Health Agency of Canada. Operating as an internet-based early warning system, GPHIN has brought great gains in time over traditional systems in which an alert is sounded only after case reports at the local level progressively filter to the national level and are then notified to the WHO.

Influenza surveillance is done in Canada through FluWatch, a national system for detecting circulating influenza viruses and monitoring the spread of disease. FluWatch collates, analyzes, interprets and disseminates information, on a weekly basis, about influenza activities across the country, and internationally, to providers and users during the flu season.

In addition, the Public Health Agency of Canada has put in place the Canadian Integrated Outbreak Surveillance Centre (CIOSC), a web-based real-time disease alert system deployed nationally to health units in all provinces and territories, as of December 2004. It monitors the emergence

of enteric and respiratory infectious diseases in Canada. CIOSC is part of the Canadian Network for Public Health Intelligence, an initiative to develop and implement systems to facilitate inter-jurisdictional infectious disease alert and response activities.

These mechanisms monitor influenza activities from a human health perspective. A comparable surveillance system, CAHNet (Canadian Animal Health Network) exists to monitor influenza activities from an animal health perspective, under the lead of the Canadian Food Inspection Agency. Through regular exchanges of information between the two networks, CAHNet and CIOSC, linkages between human and animal health surveillance systems are being strengthened to facilitate information sharing on avian influenza.

Since the 2003 SARS outbreak, the Public Health Agency of Canada, together with provincial and territorial governments, has also established a national hospital-based surveillance system for severe respiratory illnesses to detect emerging respiratory infections, such as SARS and avian influenza.

The Public Health Agency of Canada continues to monitor the avian influenza situation in South East Asia and has been updating the Provinces and Territories (P/Ts) on a regular basis. PHAC has also recommended that P/Ts continue with surveillance for severe respiratory illness in hospitals in light of residual/new avian H5 outbreaks.

[Translation]

**PAGES EXCHANGE PROGRAM
WITH HOUSE OF COMMONS**

The Hon. the Acting Speaker: Honourable senators, I should like to draw your attention to the fact that we have a page visiting us from the House of Commons. He is Patrick Dunn, from Rothesay, in the very beautiful province of New Brunswick.

[English]

He is pursuing his studies at the Faculty of Arts in Social Sciences at Carleton University. He is majoring in history.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I should like to call Bill C-24 as the first item of business, followed by the other bills as they stand on the Order Paper.

[Translation]

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—SECOND READING

Hon. Paul J. Massicotte moved that Bill C-24, to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories) be read the second time.

He said: Honourable senators, I want to thank you for allowing me to speak at the reading stage of Bill C-24 concerning the Federal-Provincial Fiscal Arrangements Act. At the first ministers' meeting in September, Prime Minister Martin announced that the federal government would make significant changes to the fiscal equalization program as well as the territorial formula financing.

The equalization receiving provinces expressed some concerns about how this program works and the federal government responded. These provinces had concerns about equalization funding in particular. They were worried about the difficulties they had had planning their budgets in recent years because of the fluctuation in equalization payments from one year to the next. The new framework announced by the Prime Minister squarely addresses these concerns. This is precisely the purpose of the bill before us today.

Honourable senators, the measures in the bill constitute a significant change to equalization and TFF. The changes to equalization and TFF will allow all the provinces and territories to count on funding that is more stable and predictable. These changes also provide for a third party to advise the Government of Canada on the best way to allocate this money to the provinces and territories.

• (1510)

Before setting out the legislative proposals contained in Bill C-24, allow me first to give a brief overview of equalization and TFF. This is important in putting the bill in perspective.

Many people do not know that equalization has been in effect since 1957 and territorial formula financing since 1985. As you are aware, these programs are intended to ensure that Canadians have access to comparable public services regardless of where they live. These programs enable provinces and territories to offer those services without resorting to high tax rates.

Equalization payments and territorial formula financing have largely succeeded in providing the necessary financial support while reducing inequalities between Canada's regions. That means that Canadians have access to a comparable level of quality social and health services, wherever they live.

Honourable senators, this is the fundamental basis of the very nature of our Canadian identity. It is important to recognize that equalization payments are unconditional; provinces are free to use

the funds according to their own priorities. So, how does equalization work?

In short, the equalization program transfers money to the less prosperous provinces in accordance with their revenue raising capacity. This means that as a province becomes more prosperous, its equalization entitlement declines. In effect, equalization is intended to reduce financial disparities so that all Canadians have access to the quality health and social services that they have come to expect and demand, regardless of where they live.

Honourable senators, I would like now to look at the details of the funding agreements that have been reached with the provinces and territories as part of Bill C-24. The changes to these programs include three important elements: first, complete protection for provinces and territories against overall and individual declines in payments in 2004-05; second, a new framework for equalization and territorial financing starting in the 2005-06; and finally, an independent review of these two programs by a panel of experts.

I would like to expand on each of these three elements, beginning with the protection to provinces and territories against a decline in payments. This element of the amendment of equalization payments to the provinces and TFF consists of a series of transitional measures to make these programs more closely resemble the new framework that will be implemented beginning in 2005-06.

No doubt you are aware that the provinces and territories have asked for more stable funding. To achieve that, the Government of Canada will ensure that the total of equalization payments is not less than \$10 billion in 2005-06 and that TFF will not be less than \$1.9 billion in 2004-05.

In addition, each province and territory will be guaranteed that its equalization or territorial financing payments for 2001-02 to 2004-05 will not be lower than was estimated in the February 2004 budget and included in the budget for those years.

Let us look now at the second element of the changes to equalization and TFF: a new framework. Starting this year, the government will establish a legislative financial framework for both equalization and territorial financing. The new framework will establish fixed payments levels, which, as I have said, will provide predictable and growing funding for provinces and territories.

As a result, provinces and territories will be in a better position to plan for future needs. This is a fundamental improvement over the manner in which payments were previously calculated.

Initial funding levels for 2005-06 will be set at \$10.9 billion for equalization and \$2 billion for TFF. Thereafter, these amounts will grow at a rate of 3.5 per cent annually. Since overall payments are set in advance and increase each year, provinces and territories will know with greater certainty the amounts that they will receive each year.

The government is committed to reviewing the overall funding levels of equalization and TFF after five years. If appropriate, the government will make adjustments in 2010-11. What does this mean for provinces and territories? This new framework means that over the next 10 years, and subject to review after the first five years, the equalization and TFF programs will provide for the payment of an additional \$33.4 billion to provinces and territories, compared to the 2004-05 annual amounts forecast in the 2004 budget, which were estimated at \$9.5 billion for equalization and \$1.8 billion for TFF.

Honourable senators, the amount of \$33.4 billion is a significant increase. In fact, it represents the biggest increase ever made in these support programs to the provinces and territories.

You will recognize, no doubt, that simply pumping more money into the system is not enough. The third element of the equalization changes is the creation of an independent panel of experts. The panel will take a hard look at how the current level of equalization and territorial financing allocates money to the provinces and territories.

Specifically, the independent panel of experts will review how the legislated equalization and territorial financing levels should be allocated for the provinces and territories in the fiscal year 2006-07 and beyond.

Provinces and territories will nominate two members of the panel. Among other matters, the panel will be asked to evaluate the current methods for measuring fiscal disparities among the provinces and territories; to examine alternate measures, such as those based on overall macro-economic indicators; to review how fiscal disparities between various provinces developed over time, and to look at the costs associated with providing services in the territories in order to help the governments and the public to evaluate the general level of equalization and territorial financing; and finally, to advise the government on whether it should set up a permanent independent body to advise it on the allocation of the equalization and territorial financing payments in the framework of the levels established by the act.

Although the panel's role will be advisory in nature, the government is committed to listening to its recommendations and to making decisions based upon that advice in consultation with the provinces and territories. If this bill and the framework it contains are adopted, the panel would be asked to report back to the government by the end of 2005.

I should emphasize that that would be within a timeframe to have an effect on equalization and territorial financing allocations for fiscal year 2006-07.

I should also point out that equalization and TFF are not the only types of federal assistance provided to the provinces and territories.

Indeed, the 10-year plan to strengthen health care, which was signed in the fall, will provide \$41.3 billion in new health care funding for the provinces and territories. This new money will be

used to ensure that Canadians have quick access to essential health services, by strengthening the ongoing federal assistance under the Canada Health Transfer, or CHT.

Moreover, in order to accelerate and expand the renewal and the reform of the health sector, the Government of Canada will take a number of measures to strengthen the Canada Health Transfer, including the setting up of a new \$19 billion fund for the CHT.

Honourable senators, this commitment exceeds the recommendations made in the Romanow report.

• (1520)

I should point out that this \$41.3 billion agreement on health, combined with the \$33.4 billion provided under the new equalization and TFF framework, will result in a total increase of \$74 billion in federal transfers to the provinces and territories over the next 10 years. The provinces and territories will be able to use this \$74 billion to improve the services that they provide to their residents.

Canadians can rest assured that the federal government, along with the provinces and territories, will keep working to improve their standard of living. I am sure you will agree that the measures proposed in Bill C-24 represent a major investment in equalization and territorial funding. By adopting this bill, we will ensure that Canadians have access to comparable levels of services in every region of this great country.

For these reasons, I urge you to give your unanimous support to this legislation.

[English]

Hon. David Tkachuk: Can the honourable senator tell this chamber whether any consideration has been given to the arguments of the Provinces of Saskatchewan and British Columbia, that they should have the same formula as Nova Scotia and Newfoundland and Labrador?

Senator Massicotte: As honourable senators know, those provinces are responding to an arrangement made with Nova Scotia and Newfoundland and Labrador. That arrangement was part of a 1985 agreement regarding offshore resources. There have been many programs for various provinces, but Bill C-24 does not deal with that issue. Bill C-24 deals with the equalization program across Canada; any special arrangements made with the federal government must be dealt with as an aside. The arrangement with Nova Scotia and Newfoundland and Labrador is a separate issue, to be dealt with in a separate bill or in the budget.

Senator Tkachuk: Honourable senators, am I correct that Bill C-24 has no bearing on whether Nova Scotia and Newfoundland and Labrador obtain their money on the basis of the new deal they have struck with the federal government?

Senator Massicotte: That is correct.

Hon. Leonard J. Gustafson: Honourable senators, would the honourable senator ask the government whether it would use the same criteria for Saskatchewan as it is using for the Eastern provinces? I ask that question on the premise that favouring some provinces over others creates an East-West problem. People perceive serious problems that the government does not recognize.

Senator Massicotte: To be clear, Bill C-24 deals with the fiscal equalization payments. The formula is complicated, encompassing 33 economic measures — the ability of provinces to pay and reallocation of services among the provinces. The bill does not deal with special programs for Saskatchewan or other provinces. Those are separate issues; Bill C-24 does not deal with them.

Senator Tkachuk: Honourable senators, I recall Mr. Romanow saying on an open-line show, when he was the Premier of Saskatchewan, that he could not reduce the provincial sales tax because the province would lose far too much money in equalization payments.

Is there any consideration given to the formula itself in this bill, to make it more fair?

Senator Massicotte: It is important to understand that the existing law, as well as this proposed legislation, measures the ability of the provinces to pay and collect taxes, not the taxes they collect. Hence, I do not agree that reducing sales tax would affect the equalization payment a province would get. What is measured is the potential of a province to collect taxes rather than the amount actually collected. A province may decide not to tax particular resources, but the calculation is based on 33 measures of ability to pay.

The Subcommittee on Fiscal Imbalances of the Standing Committee on Finance in the other place is mandated to examine the whole process. We have heard arguments in Quebec for the last couple of years about fiscal inequality and of finding another way to measure it. The subcommittee must report by the end of 2005 on a measure to provide more equity in the system.

Senator Gustafson: Honourable senators, in a meeting called by the Premier of Saskatchewan, attended by senators, members of the House of Commons and members of the provincial legislature, it was very clear that the general consensus was not to take anything from the Maritime provinces. Most people were pleased about the arrangement that was made. However, the general consensus was also that, in fairness, Saskatchewan should receive the same benefit.

Senator Massicotte: As I have said, Bill C-24 bill does not deal with any special deals for the provinces. Bill C-24 sets out a formula that measures the potential of provinces to pay. Under that formula, the top-paying province is removed, which is Alberta in this case, the next five are averaged — and that average becomes the level of funding provided across Canada. The difference between the average potential to pay of those five and that of the rest, which some people call the have-not provinces, is the amount that is paid to those have-not provinces. It is a

mechanical approach, and one that does not include one-off situations. One-off situations fall under completely separate legislation or budget procedures.

Hon. Donald H. Oliver: Honourable senators, I wish to join in the debate on Bill C-24. At the outset, I should like to commend Senator Massicotte for his thorough, comprehensive and very detailed explanation of a highly technical and difficult bill.

Whereas Senator Massicotte spoke to the details of the content of the bill, I will deal more with an explanation of equalization from the point of view of a have-not province like Nova Scotia.

The equalization program is widely supported in Canada because it encompasses a fundamental sense of social equality shared by most Canadians. That sense of social equality manifests itself in the belief that all Canadians, no matter where they live, should enjoy similar levels of government services. It is also believed that these services should not cost appreciably more in terms of taxation levels in one region of the country than in another. This does not mean, however, that public services must be identical across the country. There will always be differences among provincial programs because of the inherent differences among the regions of the country, and we welcome this diversity.

Instead, the equalization program seeks to ensure that the differences in provincial services arise from the uniqueness of each province and not because of differences in a province's financial ability to provide them. To a great extent, the equalization program has succeeded over the years to provide the level of support required so that all Canadians believe that their provincial governments provide reasonably similar services without resorting to unduly high levels of taxation.

This success of equalization has contributed immensely to our efforts to build a strong nation based on the principles of social and economic equity. Indeed, the concept of equalization is considered so important to the well-being of Canadians that it was incorporated into the Constitution Act, 1982, as a federal responsibility. The federal government set out its general purpose in the new Constitution, but states in section 36(2):

Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

Equalization payments are not a common feature of countries around the world, honourable senators. They are something almost uniquely Canadian.

Equalization transfers are an important element in the spending plans of many of the recipient provinces. The Department of Finance has reported on its website that the program is an important source of revenue for these provinces, at times accounting, on average, for \$1 out of every \$7 raised by recipient provinces' own revenue systems. For instance, in the Atlantic provinces, the program has provided as much as 37 cents for \$1 raised locally. This is significant and points out that, without equalization transfers from the federal government to these provinces, many Canadians would suffer a reduction in government services.

• (1530)

Federal equalization transfers are not simply a matter of federal largesse. The principle underlying equalization is that the federal government has a responsibility to ensure that each province has adequate revenue to provide a minimum level of public service without recourse to exceptionally high levels of taxation. Furthermore, the amount received by each eligible province is determined by a formula that, over the years, has evolved in response to changing economic conditions.

Although the federal government has transferred funds to the provinces since the earliest days of Confederation, as outlined by Senator Massicotte, it is only in the decade following World War II that a system of federal transfers to the provinces sought to equalize provincial fiscal capacity. From the programs' inception in 1957, it was hoped that the transfers would improve the fiscal ability of the recipient provinces so that all Canadians could receive similar levels of service at comparable levels of taxation.

Honourable senators, initially payments were to be determined by a formula that sought to equalize the fiscal capacity of provinces using only three tax bases — personal income tax, corporate income tax and inheritance taxes. Since then, the formula has undergone repeated changes as the system evolved through regular renewal of its essential elements and through additions to the formula. In spite of all the changes to improve the formula, the system remains a constant source of contention among the provinces and between the provinces and the federal government.

While the system underwent periodic change over the decades, 1982 really stands out in time. It was a momentous year for the program not only because its basic principle was incorporated in the Constitution but also because major changes were made to several of its program elements. The equalization yield was set as the average for Quebec, Ontario, Manitoba, Saskatchewan and British Columbia — the five-province standard. The exclusion of Alberta from this formula, as Senator Massicotte just explained, avoided the problems associated with the large revenue swings in Alberta's oil revenues. The federal government also introduced the notion of a ceiling on total payments by placing an overall limitation on the annual increase in total equalization payments.

The structure of the equalization formula, as it was developed in 1982, has remained relatively unchanged to this day, in spite of several renegotiations over time. However, the main objective of these alterations appears to have been to contain the overall growth of equalization payments.

The federal equalization program aims to reduce fiscal inequities in Canada. It accomplishes this through unconditional grants that make up the difference between actual provincial taxes or revenues and some measure of the highest average, or representative level, of the same taxes or revenues. The program seeks to ensure that the yield of provincial taxes and related revenue sources reflect not the actual tax rates and tax capacity of the province but a broader concept of average tax base and average tax rate. Together, these will give an average yield for the tax measure or revenue source.

Honourable senators, as I mentioned earlier, eligibility to receive equalization funding is determined by a formula measuring each province's revenue-raising capacity against a five-province national standard. Again, honourable senators, the five provinces involved in determining the national average or standard are Quebec, Ontario, Manitoba, Saskatchewan and British Columbia. Note the absence of the Atlantic provinces in that traditional formula. In the past, this national standard was the average of as few as two provinces and as many as 10 provinces.

Provinces with revenue-raising capacity below the national standard received equalization transfers from the federal government to bring their fiscal capacity up to that standard. The revenue-raising capacity — that is, the fiscal capacity — of each province is measured by examining its ability to raise revenues from 33 different revenue sources, as Senator Massicotte has explained, or tax bases. Those revenue sources include personal income tax, corporate income tax, sales tax, property tax, and many others to make up the 33 sources. Where the provincial yield exceeds the average national yield, then no grant is paid to that province.

Of course, the actual calculations are slightly more complicated. Like the Income Tax Act, the mechanism of the equalization program is understood by only a few people across this country — and I am not one of them. This lack of understanding is most unfortunate. This equalization program, which strives to provide broad, economic support to Canadians, should not be accessible only to an elite group of technocrats. The program has a profound effect on the daily lives of millions and millions of Canadians through its impact on the budgets of federal, provincial and territorial governments.

There is an opportunity at this time to address the problem through the work of a special advisory panel that the legislation proposes to create. The panel would examine, among other things, the possible methods of determining each province's share of total equalization payments. Honourable senators, I sincerely hope that Parliament will not miss the opportunity to bring more Canadians into the dialogue surrounding the renewal of this important program. Given the formula's complexity, it is not surprising that the whole process of revising the equalization program has given rise to so much disagreement between the provinces and the federal government and, indeed, among the provinces. It should be understood that any manipulation or tinkering with the main components of the formula, the number of revenue sources, the national standard, the clawback provisions, the payment ceiling and the payment floor, could affect the level of transfers received by the province. The current equalization formula is simply inherently conducive to conflict between governments. Let us hope that the work of the advisory panel will result in the adoption of a new formula that will be less divisive.

Bill C-24, tabled in the House of Commons on November 23, 2004, would implement the new equalization and territorial formula financing, TFF, framework announced at the first minister's meeting on October 26, 2004. The proposed framework contained in Bill C-24 would provide more

predictability and stability of payments to the provinces and to the territories. As an example, it would set total fiscal equalization payments at a minimum of \$10 billion and total TFF payments at a minimum of \$1.9 billion, an increase of about \$600 million over the total equalization and TFF payments estimated in the February 2004 federal budget and an increase of \$1.2 billion over the October 2004 Estimates.

Honourable senators, I will not go into more details of the bill, because Senator Massicotte did that extremely well. However, I would like to say one thing about the Standing Senate Committee on National Finance.

The Finance Committee has a long-standing interest in the equalization program. In March 2002, the committee released its report on the effectiveness and possible improvements to the equalization policy. The committee was in strong favour of the concept of equalization but it urged changes to certain elements of the program that it believed to be inconsistent with the intent of equalization. After examining the outstanding issues of the day, the Senate Finance Committee made eight recommendations on Canada's equalization program, of which it recommended two major changes to the equalization program. The first change — the removal of the ceiling on the total equalization payments to the provinces — was implemented by the federal government. The second recommended change was the restoration of the 10-province standard in determining provincial entitlements under the equalization program. Had those two changes been in effect over the last two decades preceding the report, equalization payments from the federal government to the provinces during that period would have increased by \$3.2 billion and \$31 billion respectively. Although the committee recognized that this implied an increased financial burden for the federal government, the committee firmly believed that the two changes would contribute to achieving the true spirit of the equalization policy which was intended to reduce the disparity between recipient and non-recipient provinces.

• (1540)

Honourable senators, in conclusion, the National Finance Committee will continue to examine Bill C-24 and issues of equalization with great care. I believe it can be relied upon to continue its previous good work in the matter of the equalization program. Bill C-24 is important legislation that needs to be properly examined. At the same time, I am fully aware of the time constraints that govern the examination of Bill C-24, and I can assure honourable senators that the committee will respect those deadlines.

Senator Tkachuk: Honourable senators, I want to ask a question. It seems that the Premier of Saskatchewan got religious on this issue just recently. I want to ensure that he is invited to state his case or his political representatives are invited to state their case to the committee. Will the committee invite the premier and/or his finance minister to testify?

Senator Oliver: I thank the honourable member for his question. The answer is yes. The committee feels that all provinces should be invited to attend to give evidence and to

participate. To that end, should this bill be referred to the National Finance Committee, we would ensure that every province in Canada, every premier and head of a territory, will be invited to come and appear before the committee some time next week or the week after, but before the end of this month. That is the intention.

Hon. Lowell Murray: Honourable senators, Senator Massicotte and Senator Oliver have covered the ground well and thoroughly. I intend to discuss a number of aspects of the bill and of equalization that I might have an opportunity to follow up at the committee or even at third reading.

Before I do that, I cannot resist intervening and commenting, to a small extent, on the exchange that we heard earlier between the two senators from Saskatchewan, Senator Tkachuk and Senator Gustafson on the one hand and Senator Massicotte on the other. It is true what Senator Massicotte says, that the offshore accords with Newfoundland and Labrador and Nova Scotia are a separate issue and will be dealt with separately, so we are told, by legislation to be introduced at a later date. That being said, it is a fact — at least in my opinion — that the working of the equalization formula has caused serious injustice to Saskatchewan in the past, which I raised during the course of a budget implementation debate last spring. I confess that I was using as my main source of information the testimony of the Saskatchewan government on two occasions before the National Finance Committee and also an excellent analysis done by Professor Tom Courchene of Queen's University for the Institute of Research on Public Policy.

Saskatchewan was done an injustice, first, with regard to the sale of Crown leases. I think Professor Courchene said the clawback amounted to 200 per cent. In a nutshell, Saskatchewan's revenue base was unduly inflated by the value that the federal government attributed to the sale of Crown leases. As senators from Saskatchewan know better than I, these are done by auction. As Professor Courchene points out in his paper, what the federal government was doing in attributing a certain value to them was really second-guessing the market with the resulting large clawback.

Premier Calvert went to see the Prime Minister about this issue last spring. We discussed this in the Senate. He obtained some kind of undertaking from Mr. Martin. Since that time, the federal government has made a payment to Saskatchewan in the amount of about \$120 million to compensate and has effectively acknowledged the error.

The second issue has to do with the fact that Saskatchewan is part of the five-province standard and Alberta is not. With Saskatchewan in and Alberta out, Saskatchewan comes across looking like a resource-rich province. Professor Courchene uses the example of three-tier oil. I do not know what three-tier oil is, but whatever it is, if one were to take a 10-province standard, the share of the revenue base of Saskatchewan would be 37 per cent. In the five-province standard, however, Saskatchewan's share of the revenue base is 97 per cent. Again, their revenue base is much more inflated. Professor Courchene reckons that this has cost them \$1 billion over a number of years, and I think it is only fair to say that they are entitled to some remedial action on the part of the government.

I am venturing now into more uncertain territory, but I think it is the case that under the working of the formula as it has existed up to now, for the year 2005-06 — and someone will correct me if I am wrong at the committee — I think Saskatchewan would not be receiving equalization at all. However, given that the formula and the whole notion of relative fiscal capacity has been set aside, the federal government simply decided what the allocations would be and Saskatchewan still is and will still be receiving equalization in the fiscal year that begins on April 1. I offer that information for whatever consolation it may be to the Saskatchewan senators and others.

[Translation]

Honourable Senator Massicotte is boasting, on behalf of the government, of having proposed a more stable and predictable program. Stable and predictable for the fiscal year 2005-06, but a black hole thereafter. What will the formula be? We do not know. What will the allocation of equalization payments between the provinces be? We do not know. Everything is in the hands of an independent panel of experts, who will be reporting sometime in the next 12 to 18 months. That is when we will know.

[English]

All we know for sure is that there is a pot of \$10.9 billion starting in 2005-06, that it will increase by 3.5 per cent per year and that this, itself, is reviewable in five years. I leave aside for the moment whether \$10.9 billion is the right place to start. I will leave aside for the moment the question whether the rate of increase is the appropriate increase, although I note that, historically, the growth in equalization payments has been lagging behind the growth in federal revenues, lagging behind the growth in gross domestic product and lagging behind the growth in present and projected provincial expenditures. That aside, the fact is that no one knows what the formula will be and what the allocation will be among the provinces — that is, what provinces will be recipient and what provinces are will be non-recipient.

Until now, equalization payments have been formula driven based on your province's relative fiscal capacity measured through a representative tax system — that is, your province's fiscal capacity relative to what I will call a national average, but this, we all know, is a five-province standard. Now, equalization has been delinked from the concept of relative fiscal capacity.

• (1550)

The government itself has decided what the allocations will be for the year 2005-06; as for subsequent years, well, we have to wait to see what the panel reports.

I do not want to sound alarmist, but I think this can be problematic for the two provinces that have signed offshore accords, Newfoundland and Labrador and Nova Scotia. According to these agreements, at various points the benefits are dependent upon those provinces remaining as equalization-recipient provinces. However, with the formula completely up in

the air, who knows what might happen after the panel reports? I suppose it is even conceivable that one or other or both of those provinces could be deemed to be non-recipient provinces. It might take a majority Liberal government to impose that kind of solution.

It might be bad faith, and again I do not want to sound alarmist, but I think those provinces are more than somewhat exposed. The Finance Minister of Newfoundland and Labrador, Mr. Sullivan, wrote a letter, I think, to Minister Goodale. I have not seen Mr. Sullivan's letter, but Mr. Goodale's reply was released. The exchange of letters seemed to take place at just about the time the accords were signed. Mr. Goodale acknowledged that Newfoundland and Labrador might be living in state of some uncertainty and tried to give some comfort. That letter is available, and I leave it to honourable senators to judge how much comfort it offers. One of the things Mr. Sullivan says is that, in the event of a dispute in the future, he will hire an independent expert and consider his advice. Newfoundland and Labrador can take whatever comfort they like from that.

I have here the terms of reference of this famous panel that is being appointed — however, I will not read them into the record for lack of time. Nevertheless, the panel is being asked to examine alternative approaches, including so-called macroeconomic variables — in other words, possibly do away with the representative tax system and the concept of relative fiscal capacity and go to macro-variables such as personal incomes, gross domestic product, and so forth.

I do not suggest for a moment that our committee had the last word on that, but we looked at five of those macro variables, which were the only ones that suggested themselves, and we came to the conclusion — and we did get some help from the Department of Finance in doing this — not only that every one of those macro variables resulted in a smaller equalization pie but also that on every one of them the big winner was the federal Department of Finance. There were some winners and losers among the provinces, but each with a smaller equalization pie. In terms of those so-called macro variables that we examined in the context of a 5-province standard and a 10-province standard, in all of them the only big winner was the federal treasury. Extreme caution is advised before anyone jumps at some of these simple if not simplistic solutions.

The committee was asked to consider the possibility of a permanent, independent body that would advise on the allocation of equalization payments. They have that in Australia, and some of us were there a few years ago and heard some stories about how it works. The commission travels around to the various states and examines the needs and comes back and makes a recommendation to central government as to how the money should be doled out. Can you imagine that taking place in Canada? I cannot. I cannot imagine anybody who values his or her life wanting to be a member of such a commission. In any case, Australia's situation is somewhat different because their equalization program considers expenditure needs as well as revenue capacity, and over 70 per cent of the revenues collected in the country are collected by the central government.

[Senator Murray]

Senator Oliver again mentioned the 10-province standard, which we recommended and which 20 years ago the Royal Commission headed by Donald Macdonald recommended, and which various other people have recommended, as the only fair and equitable way to go. The new party of the united right is in favour of that, and they are on the right track. I think where they go off track is their recommendation that non-renewable resources be taken completely out of the formula. The committee looked at that in a five-province standard context, and we found that most of the recipient provinces would be big losers.

Last spring, just before dissolution, I had some research done, in the context of a 10-province standard — in other words, 10-province standard excluding natural resource revenues. We were dealing with the period 1994-95 to 2001-02, and the result would have been a big hit against just about all the recipient provinces, especially Quebec, which would have lost \$3.5 billion, and Nova Scotia, almost \$2 billion. The other numbers are of the same order of magnitude, allowing for population and so forth. The 10-province standard is a great idea, but taking non-renewable resources out of the formula simply cancels out the advantage of going to the 10-province standard. I am aware that Mr. Harper has said that he would phase in the removal of non-renewable resources, but given the order of magnitude of the hit against the recipient provinces, there would have to be some phase-in. In any case, I understand that an argument can be made and is made for removing non-renewable resources from the formula.

Professor Ken Boessenkool made the argument in his capacity as an academic when he appeared before our committee, and he has been a senior adviser to the new party. Essentially, the argument is that revenues from non-renewable resources are like the sale of a capital asset and should not be counted as ordinary revenues. However, against that is the fact that those revenues are taken into the Consolidated Revenue Fund, and they certainly add to the standard of living of the provinces that have them. A similar debate is going on about user fees and whether user fees should be included as part of provincial revenues, and the fact of the matter is that our user fees —

[Translation]

The Hon. the Acting Speaker: I regret to inform Senator Murray that his time is up.

Honourable senators, is leave granted for Senator Murray to continue?

Hon. Senators: Agreed.

[English]

Senator Murray: The question is whether user fees are considered simply cost recovery or whether they are in the nature of a direct tax that goes right into the Consolidated Revenue Fund, and there is quite an argument being made that they too ought to be included. Most of the provinces — in fact, I think all of the provinces — are of the view that all of the revenue sources should be included in the representative tax system in measuring relative fiscal capacity of the various provinces.

It was also stated in the debate in the other place by the spokesperson for the Official Opposition, Ms. Ambrose, that the floor in this bill is fiscally imprudent. Her concern is that, if the economy takes a dive, some provinces would be equalized to a higher fiscal capacity. Well, I suppose that is conceivable. She made a very substantive contribution to the debate — and I do not want to knock it; it is probably conceivable that that could happen. However, if she looks at it, she will find that the history has been that this so-called equalization program that is supposed to equalize fiscal capacity almost never does in terms of the national average. It gets into the 90 per cent range for most recipient provinces, but they are almost never equalized. Historically, they have always fallen behind complete equalization of fiscal capacity as a result of the equalization program.

• (1600)

I would refer to one matter that Senator Oliver spoke about eloquently. It has to do with the fact that we presently have a most worrisome climate in federal-provincial fiscal relations. We hear criticisms of the health accord, which was signed some months ago, and about which I spoke in the debate on the Speech from the Throne. I believe that those criticisms are unjustified, but I will not delve into that now. As well, the offshore accords are being criticized as sweetheart deals and all the rest of it.

We must take this climate seriously and concern ourselves with what Senator Oliver has properly described as divisiveness. It is not good to have Ontario offside on matters of this kind. It is not good to have any region offside and disaffected. We do want a situation in which, even if no one is completely satisfied, all provinces are at least reasonably understanding and accepting of the arrangements.

Some years ago, on several occasions I said that I thought the whole area of federal-provincial fiscal relations was reaching a state where we ought to have another royal commission in an attempt to put things on a more stable footing. There are all kinds of substantive reasons for doing that rather than engaging in “ad hocery,” responding to particular situations as they arise, and I think the government should seriously consider doing that.

The other day David Peterson, a former premier of Ontario, suggested that just such a royal commission should be set up. I am sure he came to that conclusion on his own and not because he is an avid reader of the Senate Hansard.

The Hon. the Acting Speaker: Would Senator Murray take a short question?

Senator Murray: Yes.

Senator Gustafson: Honourable senators, with regard to non-renewable resources, I sat on the Energy Committee when Mr. Lalonde introduced the terrible National Energy Program and took about \$9 billion from Western Canada. At that time, the average well in Saskatchewan pumped 16 barrels per day, while Alberta's wells pumped 57 barrels per day. The issue of non-renewable resources is most important.

My question deals with uranium. I believe the day will come when Saskatchewan will have its day in the sun with uranium protection. Will these new regulations affect that resource?

Senator Murray: If the Saskatchewan government acts as I am sure it will, revenues from uranium production will be taken into account in the revenue base of what will be an unbelievably prosperous province at that time.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Massicotte, bill referred to the Standing Senate Committee on National Finance.

[English]

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Moore, for the third reading of Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

Hon. David Tkachuk: Honourable senators, we had some interesting committee hearings on this bill. Nothing is ever as it seems. Even though we were told that this bill was a slam dunk, we heard lots of interesting testimony from industry and from the department.

I urge people with influence in the Province of Quebec to encourage their provincial government to introduce parallel legislation to this bill so it does have an effect, because the federal measures require the cooperation of all the provinces.

Members on our side are supportive of this bill, and the report of the committee was passed unanimously by committee members.

[Senator Gustafson]

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Bacon, for the second reading of Bill C-10, to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to Bill C-10. I support what Senator Callbeck has said. This is a complex bill that covers many areas from the legal, medical and human interest perspectives. The bill deals with the section of the Criminal Code that focuses on the tough issues of offenders who have a mental disorder that is so severe that they are unable to stand trial for the offence for which they have been charged or, if they do go to trial, they are found not criminally responsible, NCR, for what they have done because of their mental disorder.

When I practised law as a lawyer and as a judge, I found the cases of persons who were not criminally responsible to be the most difficult ones with which to deal. Usually people in the criminal justice system are there due to their own actions, and they must be held to account for their actions. However, persons who have been found not criminally responsible are often caught up in the criminal justice system due to medical conditions or their genetic makeup.

• (1610)

Yesterday, in the Human Rights Committee, we heard that more than 60 per cent of juveniles who come before the courts have some recognizable and definable mental disability or mental illness. Secondary to that, they may have a behavioural disorder, which is more difficult to diagnose. In other words, a young person's ability to control his or her actions is somewhat compromised. Mental disability added to behavioural disorder should be dealt with during early childhood and should continue to be dealt with as a medical issue. Yet, society seems to deal with these issues only when these people come into conflict with the law. When I was practising law, such young people who found themselves before the court were found to be not guilty by reason of insanity. There was a definite sentence for convictions, but when someone was found to be not criminally responsible, they could be, and in some cases were, indefinitely held and sometimes under such circumstances that only if they were fortunate would they receive the allowed treatment.

This is a difficult area of law. There is a difference between ordinary criminal proceedings and "not criminally responsible" proceedings, which we need to keep in mind when reviewing Bill C-10. Daniel Soiseth, a lawyer with the Community Legal Assistance Society, said to the House of Commons Justice Committee on November 22:

In ordinary criminal proceedings such as sentencing or parole, what you have is someone who has deliberately done harm to somebody else.

With NCR proceedings, the accused is not aware that he did something wrong. An accused found unfit to stand trial is dealt with by a special tribunal of the provincial review board that reviews his disposition at least annually. Throughout this time, the accused is presumed to be innocent, a principle of fundamental justice in this country. If the accused goes to trial and is found to be exempt from criminal responsibility because of a mental disorder at the time the offence was committed, he would receive a verdict of not criminally responsible. The review board would then impose a disposition that must be reviewed at least annually.

There was some discussion in the other place about an accused person possibly tricking judges into believing that he was mentally disordered. It was viewed that this person would be getting away with his crime because he would go unpunished. First, let me say that tricking a judge would be difficult to do. Second, the reality of the mental disorder provisions of the Criminal Code is that the consequences faced by an accused can appear stricter than those faced by someone convicted of a crime. These consequences can include indefinite supervision or detention in a secure psychiatric facility.

The events leading up to Bill C-10 go back many years. Canadian legislation first dealt with mentally disabled offenders in Canada in 1892, when the Criminal Code was amended to give an accused with a "natural imbecility" or "disease of the mind," who did not know what he had done, a defence of insanity. This was progressive legislation in 1892. By the mid 1970s, the Law Reform Commission devoted a study to this issue. In the early 1980s, the Department of Justice reviewed the part of the Criminal Code dealing with mental disorder. A final report was produced in 1985 and a draft bill was tabled in 1986. Finally, in 1991, the Supreme Court of Canada in *R v. Swain* found that the automatic detention of persons found not guilty by reason of insanity infringed upon sections 7 and 9 of the Charter, which state:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice....

9. Everyone has the right not to be arbitrarily detained or imprisoned.

Therefore, the rules regarding mental disorder had to change. In 1991, Parliament introduced Bill C-30, which contained provisions on mental disorder to be included in the Criminal Code. Most of the bill came into effect in 1992. The bill

established the framework of how mental disorder is now treated in Canada. A verdict of not criminally responsible on account of mental disorder replaced the verdict of not guilty by reason of insanity. Those with such a verdict would no longer be remanded automatically to strict custody, as was the case when provincial lieutenant-governors could detain them at pleasure. I can tell honourable senators that being held at the pleasure of a lieutenant-governor means that no politician wants to take the risk of releasing the individual. Through a court process a judge is more likely to follow the law and impose conditions or a total release. If provincial premiers were detaining at pleasure, would you release, right before an election, someone who might be a risk to society? Would you take that risk?

I was involved in many cases of people held for incredibly long periods of time. They probably would not harm society and they would have supervision, but no one wanted to take responsibility. Bill C-30 meant that a person who was not criminally responsible could be conditionally discharged or referred to an appropriate review board, a more impartial and humane way of dealing with the issue.

Bill C-30 replaced terms such as "natural imbecility" and "disease of the mind" with a more accurate and meaningful term that reflects today's society: mental disorder. It also extended the mental disorder defence to include summary as well as indictable convictions, a problem that plagued the criminal system for some considerable time.

In June 2002, the Supreme Court decision in *R v. Demers* called for amendments to the Criminal Code to bring an end to proceedings for the permanently unfit, non-dangerous accused. The decision stated:

The continued subjection of an unfit accused to the criminal process where there is clear evidence that capacity will never be recovered and there is no evidence of a significant threat to public safety, makes the law overbroad because the means chosen are not the least restrictive of the unfit person's liberty and are not necessary to achieve the state's objective. The impugned legislation thus infringes s. 7 liberty of permanently unfit accused who do not pose a significant threat to society.

Also in June 2002, the House of Commons Standing Committee on Justice and Human Rights tabled its report entitled *A Review of the Mental Disorder Provisions of the Criminal Code*, the legislative review required under section 30. Testimony and submissions were given to the committee by several interested groups. The committee's comprehensive report contained 19 recommendations supported by all political parties involved.

Honourable senators, we owe a debt of gratitude to the House of Commons for their work in tabling this report. In November 2002, the government tabled its response to the fourteenth report of the Standing Committee on Justice and Human Rights, *A Review of the Mental Disorder Provisions of the Criminal Code*. It is because of the work of the other place that we have a much better Bill C-10 than we would otherwise have. The

ongoing involvement of Parliament is necessary as the science and behaviour behind the mental disorder provisions of the bill are brought to the fore.

I regret that Bill C-30 was not subject to input from the Senate. Any review of proposed legislation should involve both the Senate and the House of Commons. In that way, senators can contribute to the collective wisdom of parliamentarians, the witnesses we hear and our own experiences. I believe that Canadian society would be the better for it.

The intent of Bill C-10 is to modernize the parts of the Criminal Code that deal with mental disability to make them fairer and more efficient, at least to this time in society.

• (1620)

The bill also makes amendments to other related statutes to ensure that they are consistent with the Criminal Code provisions on mental disorder. The bill attempts to balance the rights of victims and public safety with the rights of the accused, specifically those found not criminally responsible because of mental disorder or those unfit to stand trial. I believe it does so with some success, which is not an easy task.

I will not go over the six areas with which the bill deals, as Senator Calbeck covered all of them extensively in her presentation.

This bill was the subject of much discussion in the other place and many witnesses were heard in committee but, despite the fact that a stronger bill emerged from the other place, I believe that this bill warrants review in our committee.

Most of the amendments made in the other place are technical and serve to clarify the intention of the bill. However, some amendments resulted in more substantial changes, such as the amendment to in clause 1, the provision for having a person other than a psychiatrist assess whether an accused is NCR. This will help the justice system in areas of the country where psychiatrists are scarce but where individuals who the provincial Attorney General determines can make an assessment are available. It remains to be seen whether this is a support system to the mentally disordered or whether it will cause some danger to the public. I believe this warrants a thorough examination.

While I appreciate that we have isolated areas where we want to bring about efficient and expeditious results, we must ensure that we use reliable assessment tools. I believe that opening up the assessment procedure so that it is no longer restricted to psychiatrists is a positive step but I would like to know how that provision will be implemented before I give it my full approval.

Amendments made in the other place also strengthen the role of victims, who have often been shunted to the sidelines when an accused is found unfit for trial or not criminally responsible on account of mental disorder. The issue of victims' rights and their relevance when dealing with a person who is not criminally

responsible received a great deal of attention. In the case of a criminal conviction, victim impact statements feed into the sentencing and punishment of the offender, but it becomes a different matter when the criminal is unable to understand or to express regret for the act committed.

As Paul Harold Macklin, Parliament Secretary to the Minister of Justice and Attorney General of Canada, said in the other place on February 7:

Let us not forget that the victim should, until the accused has been declared not criminally responsible, benefit from the implementation of all the provisions of the code that are aimed at facilitating victims' participation and at protecting their safety and private life. It is only once the accused has been declared not criminally responsible that the implementation of the code's new special provisions is necessary to ensure the victim's participation in the hearings of the review board.

This bill has been subjected to close scrutiny and has been improved. Now it is the Senate's turn. There are gaps in the law, of course. Some are jurisdictional. For example, the Federal Court cannot tell a hospital what to do, but, often, that is where the not criminally responsible offender lands. This can lead to the unequal treatment of an unfit accused or NCR person in different parts of the country, with radically different results for the person involved.

Dr. John Gray of the Schizophrenia Society of Canada explained this matter fully to the House committee and I hope he will do so before our committee.

A review period is included in the existing statute. Honourable senators, this is an evolving area that deserves continuous review by Parliament. Therefore, I would suggest that Bill C-10 should incorporate a provision for finite reviews by both Houses.

A committee of the Senate is currently undertaking a study of mental health and mental illness, and we know that we are in far from an admirable position in dealing with subject in Canada. We have many gaps in mental health services, some of which have already been identified in our study, and more will come to light. This bill is only a start toward helping those with a mental disability while, at the same time, ensuring that we are all safe from persons in society who could harm us. That balance needs to be struck, and I believe that the Senate Standing Senate Committee on Legal and Constitutional Affairs should pay particular attention to the balance between the person who is deemed not criminally responsible, the victim, and society I believe that we can improve this bill.

Hon. Anne C. Cools: Will the honourable senator take a question?

Senator Andreychuk: Yes.

Senator Cools: I was most interested in what Senator Andreychuk had to say. There was a time in my life when I took a keen interest in this subject matter. My question has to do with the phenomenon of Lieutenant-Governors' warrants and detention at pleasure in one of the major mental institutions in Ontario.

Senator Andreychuk has suggested that a person in that state would be at the mercy of the premier. My understanding of the situation in Ontario is that Lieutenant-Governors took a deep personal interest in their detainees. Does the senator have any comment to make on that?

The phenomenon of detention at pleasure has a long history, and I hope that the committee will have a chance to examine it. Cases can become very complicated when individuals are both patients and inmates. For example, for committing one murder an offender might be given a Lieutenant-Governor's warrant, while simultaneously for committing another murder he might be given a life sentence. The system does not then know who is in charge, the federal penitentiary or the provincial mental institution.

Has the honourable senator any comment about the interest that Lieutenant-Governors used to show in those cases?

Senator Andreychuk: I thank the honourable senator for the question. It gives me an opportunity to elaborate further.

Having recently studied this bill, I did point out that there used to be Lieutenant-Governor's warrants under which people would be held at pleasure. Under Bill C-30, which was passed in the early 1990s, a review board was deemed the appropriate way to deal with these cases so that the Lieutenant-Governor would not be left to his or her own devices.

As Senator Cools said, some Lieutenant-Governors took that responsibility very seriously. They were not trained in this field or given guidelines, yet they found themselves responsible for these people, and they accepted that responsibility personally.

The difficulty was determining on what basis to release detainees and on what basis to detain them. What is their responsibility regarding to treatment when that is not covered by a warrant but, rather, to do with the resources in hospitals, et cetera? That touches on federal-provincial matters.

Bill C-30 effectively implemented a review mechanism that was more impartial and more continuous. That bill provided for a review to determine whether the condition of the detainee had improved. My short assessment of Bill C-30, the precursor to Bill C-10 which is now before us, is that it was better. It was better to have review boards and to have intermittent reviews. However, there are some gaps in the efficiency of the administration of act, which is what Bill C-10 attempts to correct.

• (1630)

We will see whether, in the long run, the continual changes that we are making are adequate to ensure that resources are available for the person who is not criminally responsible. I believe that more amendments to the code will be necessary to achieve that goal. Prevention is one thing but, honourable senators, rehabilitation is quite another.

Senator Cools is quite correct in her outline of the history of this subject.

Senator Cools: Is it the honourable senator's intention to bring forth to the committee a healthy list of witnesses that would, perhaps, include some of the former chairmen of review boards such as the one in Ontario? When I worked on this matter, former Justice Edson Haines was the chair. Perhaps a former Lieutenant-Governor could be called to tell us a bit about it.

Senator Rompkey: There is one here.

Senator Cools: I would thank Senator Rompkey for reminding me that we have one here in the chamber. Perhaps the honourable senator would share some of her personal experiences and tell us about the personal interest she showed in the detainees under her warrants.

Honourable senators, this is a most important matter. One of the other points that Senator Andreychuk raised — and I thought the point was made very nicely — is that far more inmates have either mental conditions or disabilities than we admit. I believe it was Ramsey Clark who once said something to the effect that one in four inmates had a learning disability or was mentally retarded. Anybody who has worked in the criminal justice system becomes very aware that many of these people begin life as unfortunates. Some move on to crime. The pathological killers, that is a different group of people.

I hope you bring forth a lively list because this promises to be a most interesting study. This will give us an opportunity to examine the relationship between crime and mental disorder.

Senator Andreychuk: In response to the honourable senator, I would say that all members of the Legal and Constitutional Affairs Committee should submit a list of suggested witnesses to the clerk. I certainly will do so.

Currently the Social Affairs Committee is undertaking a study which touches on resources.

The honourable senator is quite right. We want to determine whether Bill C-10 will maintain public safety and security. If I were a victim of crime, it would matter little to me go discover that the aggressor was either mentally handicapped in some way or criminally insane. I believe the priority is protection of society. That is the starting point.

I would not deal with the sections of the act that deal with victim impact statements. What a victim wants in a criminal setting is slightly different from what a victim may want under the mentally disorder sections. Victims may support the treatment of mentally handicapped persons as much as anyone else in society and they may also play a continuing role of explaining what happened to them and why these resources are necessary. We can explore those issues.

Bill C-10 is a good attempt to deal with these issues so, in principle, I support it. However, the committee will examine the various clauses to ensure that the proposed provisions comply with the Constitution and the Charter.

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: It is moved by the Honourable Senator Callbeck, seconded by the Honourable Senator Bacon, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Callbeck, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—
SUBJECT MATTER REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey, (Deputy Leader of the Government): Honourable senators, I move:

That Bill S-16 be not now read the second time but that the subject matter thereof be referred to the Standing Senate Committee on Aboriginal Peoples; and,

That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper* and *Notice Paper*.

The Hon. the Acting Speaker: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Acting Speaker: Honourable senators, it was moved —

Hon. Senators: Dispense.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment as proposed by the Honourable Senator Rompkey?

Motion agreed to and subject matter of bill referred to the Standing Senate Committee on Aboriginal Peoples.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the criminal Code (protection of children).—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, this order has been standing in my name but it is not my intention to speak to it. I would, therefore, ask that the order stand in the name of Senator Cools, who wishes to speak to it, but not this week.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Cools, debate adjourned.

• (1640)

JUDGES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Keon, for the second reading of Bill S-8, to amend the Judges Act.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I rise to speak to Bill S-8, to amend the Judges Act. I will be very brief because the day is getting on. What I propose to do is to introduce the subject.

Bill S-8 will repeal section 56(1) of the Judges Act. Section 56(1), that, as some of us may remember, was a cause of concern for the Senate. Bill S-8 will repeal this section put into the Judges Act in 1996 around the issue of an individual judge, Madam Justice Louise Arbour, to obtain permission to serve as the Chief Prosecutor for the International Criminal Tribunal for Yugoslavia and Rwanda

Honourable senators will know that the Judges Act and the Constitution of Canada hold very strong prohibitions against judges performing any work other than judicial work and particularly against their receiving remuneration for same. In 1996, Bill C-42 to amend the Judges Act came before us trying to obtain a general exemption for all judges to be able to work for "international organizations" across the world. This house and honourable senators here took some very strong objections to that. This chamber felt that it should preserve the integrity of the

Judges Act, sections 55 and 56 in particular. The accommodation that this chamber was able to come to was that it agreed that an exemption to the prohibition would be provided for one individual judge only, that judge being Madam Justice Louise Arbour. As such, the Judges Act was amended to cite that precisely and to identify her by name in the act.

As honourable senators know, Madam Justice Louise Arbour stayed with the international criminal tribunal for a couple of years — not too long — and then came back to Ottawa to serve as a Justice on the Supreme Court of Canada. She has recently resigned from the top court, to be appointed the United Nations High Commissioner for Human Rights.

Honourable senators, the provisions that are the subject of Bill S-8 are spent, and have been spent for quite some years. Therefore, it is desirable to repeal that provision. It is not desirable that an individual judge be identified by name in a general act.

In any event, I should like to adjourn the debate and continue on another day when it is not so late and when the Order Paper is not as crowded.

On motion of Senator Cools, debate adjourned.

BILL TO CHANGE NAME OF ELECTORAL DISTRICT KITCHENER—WILMOT—WELLESLEY— WOOLWICH

THIRD READING

Hon. Terry M. Mercer moved the third reading of Bill C-302, to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich.—(*Honourable Senator Bacon*)

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

BILL TO CHANGE NAME OF ELECTORAL DISTRICT BATTLE RIVER

THIRD READING

Hon. Noël A. Kinsella (Leader of the Opposition) moved the third reading of Bill C-304, to change the name of the electoral district of Battle River.—(*Honourable Senator Bacon*)

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

FOREIGN AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY ON MATTERS RELATING TO AFRICA ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs (*budget—study on Africa—power to hire staff*) presented in the Senate on February 17, 2005.—(*Honourable Senator Stollery*)

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY ON ISSUES RELATED TO FOREIGN AFFAIRS ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Foreign Affairs (*budget—study on issues relating to foreign relations—power to hire staff*) presented in the Senate on February 17, 2005.—(*Honourable Senator Stollery*)

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (*budget of Foreign Affairs Committee—legislation*) presented in the Senate on February 17, 2005.—(*Honourable Senator Furey*)

Hon. Bill Rompkey (Deputy Leader of the Government): moved the adoption of the report.

Motion agreed to and report adopted.

ANTI-TERRORISM ACT

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Special Senate Committee on the Anti-terrorism Act (*budget—review of the provisions and operation of the Anti-terrorism Act—power to hire staff*) presented in the Senate on February 17, 2005.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

Motion agreed to and report adopted.

THE SENATE

MOTION TO URGE GOVERNMENT TO REDUCE
CERTAIN REVENUES AND TARGET PORTION
OF GOODS AND SERVICES TAX REVENUE
FOR DEBT REDUCTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella seconded by the Honourable Senator Stratton:

That the Senate urge the government to reduce personal income taxes for low and modest income earners;

That the Senate urge the government to stop overcharging Canadian employees and reduce Employment Insurance rates so that annual program revenues will no longer substantially exceed annual program expenditures;

That the Senate urge the government in each budget henceforth to target an amount for debt reduction of not less than 2/7 of the net revenue expected to be raised by the federal Goods and Services Tax; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey (Deputy Leader of the Government): My understanding is that Senator Comeau would like to enter the debate at this point and we would certainly agree with that.

Hon. Gerald J. Comeau: Honourable senators, I believe we all agree that there is an urgent need for tax relief in this country. As it stands today, Canadians are heavily overtaxed by Prime Minister Martin's government. As parliamentarians, in our service of the public, we have the responsibility to ensure that this government understands the situation and fast-tracks measures to reduce the tax burden in this country. A higher tax burden slows economic growth, hampers new-market development, restricts investment and limits the purchasing power of Canadians.

• (1650)

As we all have seen time and again, the Liberal government has a history of over-estimating or padding the budget in order to create budget surpluses. Certainly, we all want government to collect enough taxes to maintain essential services and continue to reduce the national debt, but the budgetary surplus amounting to more than \$9.1 billion, more than 4.5 times the \$1.9 billion projected for 2004-05, is, in my view, simply abusive. With surpluses like this how can the government refuse to lift the burden of over-taxation from the backs of Canadians?

The government should be reminded that a surplus is the difference between what is needed to run the country and what was taken in from taxpayers. The money was taken from

taxpayers; it belongs to them. The bottom line is that tax relief for hard-working Canadians is long overdue. Canadians deserve to keep more of their hard-earned income. This would allow Canadians to make their own economic decisions, to be entrepreneurial, to save for their future and for the future of their children.

We all know that historically governments do not easily give up revenue. In 1917, the Income Tax Act introduced a temporary general tax on both personal and corporate income. Previously, the bulk of federal government revenues had been raised through indirect taxes such as customs duties and excise taxes. This temporary measure to finance the war was supposed to be eliminated once the war was over. It seems Canadians won the war but lost the tax battle. Prime Minister Borden could no more abolish income tax once it had been established than the two last Liberal Prime Ministers could hold their promises to abolish the GST.

One measure of the tax burden is Tax Freedom Day. Each year, the Fraser Institute calculates the day on the calendar when Canadians finally start working for themselves. Prior to this date, all income earned is siphoned away to pay taxes imposed by all levels of government. In 1995, Tax Freedom Day fell on June 16. Eight years later, the average Canadian family had to work an extra 11 days to pay the taxman or tax person.

In the charter of the Conservative Party a dollar in the hands of a Canadian citizen is better than a dollar in the hands of a government bureaucrat. Why do we hold this to be true? Financial freedom allows Canadians, not their government, to make fundamental decisions about how to live their lives, decisions about housing and education, decisions about their children's future and decisions about how to retire with dignity. When government does collect and spend taxpayers' money, there is an expectation as well as a moral obligation that their money will be put to good use.

While we may debate the definition of good use, it is clear that this government has not met any reasonable test of responsibility and transparency in handling Canadians' hard-earned money. We do not have to look hard to find examples of this — for example, the Liberal gun registry. When the gun control bill passed in 1995, the government estimated that the program would cost \$119 million. Registration fees would bring in \$117 million, with taxpayers covering the remaining \$2 million. Most Canadians did not like the bill but would say that \$2 million was not all that great. The latest estimates show that the gun registration will cost about \$2 billion. While registration fees will raise \$23 million more than the projected \$117 million, the program will saddle taxpayers with a multi-billion-dollar tax, a far cry from the projected \$2 million as originally estimated.

How could we forget the sponsorship program scandal, yet another example of how the government wasted tax dollars entrusted to them? In this case, \$100 million was paid to various communications agencies in the forms of fees and commissions. As all Canadians have come to know, in most cases, little or no work was done. While the former Prime Minister made light of this with golf balls and the current Prime Minister applauded, we should all have cause to be offended. What is more surprising is

that this government continues to refuse to fast track tax cuts and argues that financial shortfalls could occur. As it has demonstrated, this government can absorb the misspending of billions of dollars, but cannot afford to lower the fiscal burdens of Canadians. The money wasted on the gun registry and the sponsorship program amounts to about \$2 billion. This could have been applied to tax cuts for Canadians who need it most, the over-taxed low- and modest-income earners.

Even with the waste of the sponsorship program, the cost overruns of the gun registry, the negative effects of the mad cow crisis in the West and SARS in Ontario, and the rise of the Canadian dollar undermining Canadian exports, the government was still able to fund social programs and amass a huge surplus of \$9.1 billion.

Opponents of tax relief have argued that our cities and social programs such as medicare need a cash infusion, but as the last year has proven, there is money for both reinvestment in those social programs and tax relief. Yvan Guillemette and Jack Mintz of the C.D. Howe Institute argue that Canada could afford its public health care system at lower levels of taxation by running the system more efficiently and by shifting resources away from the public service that are inefficient or of lower priority.

We must look at the relationship between the way government spends money on health care and its tax revenues. For example, countries such as Austria, Belgium, Finland and Italy raise greater revenue than the Canadian government while spending less per capita on health care. The answer lies in smart government and more accountability.

Canada's high tax rates also endanger the welfare of senior citizens. As the average age of the Canadian population rises, the current high levels of taxation make it more and more difficult for seniors to maintain their standard of living. This point was made recently by Nancy Hughes Anthony, President and CEO of the Canadian Chamber of Commerce. In an October 2004 *Financial Post* editorial, she wrote:

...low-income seniors who are in receipt of the Guaranteed Income Supplement (GIS) have 50 cents of it clawed back for each dollar withdrawn from an RRSP. After the GIS claw back and income taxes, many of these individuals face effective marginal rates as high as 75 per cent. Such high rates simply reduce the ability and the incentive for Canadians to save for retirement.

We can also compare our taxation system with our major trading partner, the U.S., to more than fully understand the importance of tax relief for Canadians. Canada's top provincial federal personal income tax rate is now at 45 per cent. This is 7 per cent higher than the American rate and kicks in at \$113,000 compared to \$159,000 in the U.S. According to the Organization of Economic Co-operation and Development, the U.S. tax burden, calculated by measuring tax revenues as a percentage of gross domestic product, dropped 1 per cent in 2003 to 25.4 per cent. That same year, Canada's position was unchanged at 33.9 per cent.

Honourable senators, it is time to address the over-taxation issue in this country. It is vitally important that we place Canada in a position to not only survive in the global community but to compete with the frontrunners. Not only would lowering taxes help Canadians, but it would also help fuel Canadian entrepreneurship and therefore the economy.

By lowering the tax burden the government would foster investments in new industries and technologies, retain companies still operating in the country and create an attractive environment for others. The outcome is higher employment and a greater tax base for government.

In conclusion, I remind honourable senators that it is our responsibility to support legislation and advocate policies that are of the widest possible benefit to Canadians. Lessening the tax burden does not serve one region over another, does not favour one industry over another. It is not an issue owned by Conservatives or Liberals. It is the most democratic, responsible move a government with a surplus can make.

Tax relief is the best way of ensuring that Canada remains at the top of the list of nations when it comes to both quality of life and economic competitiveness. That is why we should all support Senator Kinsella's motion.

Hon. David Tkachuk: Honourable senators, I also want to rise to speak in support of the motion made two weeks ago by Senator Kinsella.

I want to talk this afternoon about one component of this system, a component to which Senator Kinsella referred implicitly when he talked about payroll taxes but did not mention outright. I am referring to the Canada Pension Plan, the CPP.

The CPP was first established as a pay-as-you-go system, a defined benefit. Such systems, by definition, involve intergenerational transfers. In other words, the pensions of retirees are not paid by themselves, but funded by the younger generations who continue to work.

• (1700)

The system, I am sad to report, is still pay-as-you-go in theory but not in fact. The thinking behind it is rooted in antiquated and overly optimistic thinking about Western economies around 1966. How optimistic was this thinking? Let me quote the words of economist and Nobel laureate Paul Samuelson. They were written in 1967, and most surely he was awarded the Nobel Prize before he wrote them. "The beauty of social insurance," he said, "is that it is actuarially unsound. Everyone who reaches retirement age is given benefit privileges that far exceed everything he has paid in. How is this possible? It stems from the fact that the national product is growing at compound interest and can be expected to go so far, as far ahead as the eye can see. Always there are more youths than old folks in a growing population." He said, "More important, with real incomes growing at some 3 per cent a year, the taxable base upon which benefits rest in any period are much greater than the taxes paid historically by the generation now retired. A growing nation is the greatest Ponzi game ever

contrived." Obviously, the eye could not see more than 30 years ahead. What was a fair if short-sighted assumption in the 1960s no longer held true three decades later. Like all Ponzi schemes, it was doomed to failure.

I will quote another short passage from a World Bank report in the 1990s. "The conditions conducive to a successful pay-as-you-go scheme are fast disappearing. Population growth is coming to a halt. Mortality rates are decreasing among the old, raising their share in the population. Wage growth is slowing dramatically, and public pension plans are in trouble in the industrial countries. As a result of these developments, the value of pension benefits being paid out in the mid-1990s begin to exceed the value of contributions paid in."

The writing was on the wall for a pay-as-you-go pension plan, but the Liberal government, which established Canada's version of the Ponzi game in 1966, seems to have badly misread the message. They recognized that the system was facing imminent collapse, so what did they do? Well, they did not take tough political decisions, like cutting back on benefits or taking measures to promote later retirement or reforming the entire system altogether. They did what they always do — they raised taxes. Combined employer-employee contribution rates that were never supposed to climb higher than 5.6 per cent were raised, by 2005, to 9.9, 10 per cent by any other name. The victims were the ones least able or least willing to resist, the young.

Those of us who were here during the debate on Bill C-2, which was a bill introduced in the other place by now Prime Minister Martin, will recall that not only did they raise taxes, but they raised payroll taxes. Most economists will tell you that raising payroll taxes inevitably has a pernicious effect on the economy. Moreover, the burden of the tax is not to be shared equally across generations in an era of stagnating growth and early retirement. The changes to the CPP instituted by this government in 1997 have put an unconscionable and inequitable load on the young, who are now left to pay for our past mistakes. They will contribute more than we ever did to the Canada Pension Plan and reap less when they retire.

We have, it seems, a system that has three major flaws. The system is to provide a level of pensions that today is, at best, at the poverty level. It is not to pay for the payee's pension but rather to unfairly pay for others. In other words, taxpayers are paying in excess for those who in the past paid too little, and the extra money was spent by the government to administer other programs or to lend money at very low interest rates to provincial governments.

The irony of all of this is that now the excess that all of us are forced to pay, but mostly the young, who still have a long work life ahead of them, is being invested by the same institution — the Government of Canada — that conceived of this plan in the first place. It seems we missed something some eight or nine years ago. The very foundation and premise of the Canada Pension Plan when it was introduced was the pay-as-you-go system, where present taxpayers pay and care for the elderly — a good social benefit. It was not to be the only pension but a basic pension,

which, supplemented by old age security, at least would prevent devastating poverty and all those social ills that go along with it. In fact, as I have said before in this place, it started when the average male died age 67. Today, we are forcing taxpayers into a save-for-the-future plan, with the government investing it for the citizen. When did we all debate this concept? Never. We are centralizing all these forced savings into the hands of the government and into the hands of a Crown corporation.

In the debate on Bill C-2, we on this side warned the government of the power all this cash would have on the markets and frankly that it would be a threat to market stability. If we listen to some experts, that gigantic amount of cash not freely gotten is a threat to the market today, and the cash is miniscule to what the future will bring. We could have put more responsibility in the hands of the taxpayer by creating individual pension pools, by raising the age of eligibility of the government portion, by using some of our surpluses to pay down past generation's malfeasance and strengthening present pools and ridding the country of the 30 per cent foreign limit, which is another way of forcing citizens to pay for investments less attractive than elsewhere.

The Canada Pension Plan estimates that a person retiring 47 years from now who is now age 18 and pays in the maximum will receive about \$826 per month in today's income, or \$9,912 based on the average income, which in 2005 was \$40,500, which is the maximum amount you can contribute. In terms of that \$826 per month, or \$9,912 per year, the average rate of inflation of 2.3 per cent compounded annually for the next 47 years will come out to somewhere around \$24,000 or \$25,000. If \$3,663, which is the maximum amount, were deposited for 47 years — starting at age 18 and going to age 65 — at 7 per cent, which RBC says would be a very conservative number, that same individual would have \$1,296,540.62.

If that amount were amortized over 30 years, it would pay \$72,000 a year in pensionable savings. If that were amortized over 40 years — that is, starting at age 25 and paying in \$3,663 at 7 per cent — an individual would have, at age 65, \$775,842.27.

If that amount were withdrawn over a period of 240 withdrawals — over 20 years, say, or age 85, which is higher than current life expectancy — the average withdrawal would be \$4,685.83 per month, over 240 withdrawals, at a rate of return for the annuity of 4 per cent.

We can calculate this in any number of ways, and in every way that we do, and in every assumption that we make, the amount that young people are contributing today is unjust and unfair. We, as parliamentarians who have children and grandchildren, have a responsibility to do something about it.

CPP taxes have nearly tripled since 1996, while expected benefits have shrunk in inverse proportion. The pension reform supplied by the Liberal government in 1997 means that, in essence, anyone over 50 will get more benefits than they contributed and that anyone under 50 will have contributed more than they get in return. There is no fairness in that.

Mr. Drummond of the Toronto-Dominion Bank, the chief economist I quoted earlier, issued a report this past January on the economic well-being of Canadians. In that report, when he referred to CPP, he noted that a rise in taxes is not necessarily associated with reduced economic well-being, that is, if it is used to invest in programs and services. However, this is not the case with the CPP. The rise in the tax burden in this case, Drummond said, is the price society is now paying for past government deficits and policy shortcomings. It contributes not one nickel to government programs or services. In other words, we are paying back money for past mistakes. We are paying incurred debt with payroll taxes, which inflict more pain on the poor and the middle-income earners than on the rich because we top them at \$40,500. The rich get a pass on this ugly social financing, just as they do with the unfair tax on Employment Insurance, which is also topped at a middle-income level but which is used to finance deficits. This is what we get from a millionaire Prime Minister whose father kept his son's company flush with federal grants. Then, his own son moved that company to Barbados so that he would not have to pay taxes on the grants at all. These same Liberals now want to finance Kyoto by sending billions to Russia to buy clean air, a policy so ridiculous that I cannot believe I am uttering the words; the same Liberals that want to impose a daycare system based on forced entry rather than on choice. Young Canadians should take out their calculators and add up what they are sending to Ottawa and revolt against this revolting policy.

• (1710)

Elsewhere, it was admitted that CPP reform was needed, but then it was asked why young people would accept a solution that placed a disproportionate level of responsibility on a generation that did not create the underfunding in the first place. Why indeed. Why is this government demanding that our children pay for our sins and give them nothing in return? Why did this government take the easy way out and place the heaviest burden on the young without looking for a more equitable reform solution?

I will give senators one reason why. Those who will pay the heaviest price for the CPP are those born between 1990 and 2000. They will pay CPP at the same rate that we pay today and will reap only a 2 per cent return. What else do we know about those born between 1990 and 2000? They do not yet vote. That is what else. The government knew that it could tax them with impunity. It also knew that the personal deduction that used to rise with inflation was frozen by Mr. Martin in 1997, so it will shrink again as a meaningful deduction to the young and to the poor.

The Martin Liberals and the Chrétien Liberals took the surpluses provided by the taxes of Canadians in the 1990s and instead of investing them in the Canada Pension Fund, they chose to increase spending and put windfall — fraudulent cash — in the pockets of Liberal advertising agencies and friends of the party.

There is no discussion today, and there should be, about the theft that has been perpetuated on the young who are least able to defend themselves against the vagaries of a failed program and a selfish generation. The young today are lashing out at enemies

from President Bush to the World Bank and free trade, not realizing that their pockets were picked long before they were able to vote.

Senator Pitfield, during debate on Bill C-2, said that we failed a great opportunity to debate and discuss how we should reform CPP at that time; and the government chose simply to raise taxes. Meanwhile, the executives of the Canada Pension Fund bragged that the fund is healthy for the next 70 years because of the immense amount of cash being hoarded from the young rather than being in the personal accounts of those who are expected to shoulder the burden.

Unlike generations before us, honourable senators, who cleared a path for their children, we have put obstacles in their way that make it exceedingly difficult for them to build an asset base or generate savings. Today, the top marginal federal-provincial personal income tax rate is over 45 per cent and kicks in at a relatively modest income level. Anyone earning \$70,000 today has to give nearly one half of that income to the government. That does not take into account the sales taxes, the gas taxes and all those other taxes that they have to pay. Each time they walk into a grocery store, they pay two cents on a pop bottle and two cents on a milk carton and an amount for almost every other packaged good in a grocery store. The EI surplus was topped at \$46 billion and it is a mirage — it does not exist — but it is more than three times what the Chief Actuary said was necessary in 2001. The CPP reserve fund stands at some \$70 billion today and is expected to hit \$147 billion by the end of 2010. Anyone who thinks that one fund in one place will not have a detrimental effect on the marketplace in this country is dreaming in Technicolor. All of these surpluses have been built mostly on the backs of our children. This generation, and this government in particular, has never missed an opportunity to lighten their load. We have downloaded our programs created by past extravagances onto our children.

It is time, honourable senators, to support Senator Kinsella's motion and to throw this government out.

Hon. John G. Bryden: Honourable senators, while listening to Senator Tkachuk's eloquent speech, I was reminded of something that I had read. In the U.S. there is considerable concern about the security of people as they grow older. It comes from what some writers refer to as a new ownership class that has expanded in the U.S. dramatically during the 1980s, 1990s into this decade. Everyone appears to be encouraged, almost coerced, to become owners of assets that carry not only potential but also considerable risks. The first of the three examples given is the ownership of common equity. During the 1990s, everyone needed to have a big chunk of the next technology IPO. People would own a part of a start-up company, for example, and take no salary but would take options to redeem at the initial public offering and become wealthy. It became the case that these were not all bright, young people or sophisticated investors. Many ordinary people bought the latest hot ticket. We had a lot of them in Canada, but there were many more in the U.S. One of the methods used was for large businesses to switch their defined benefits pension program to defined contributions so that employees could invest. The company was required to invest a certain amount and the employee decided what they would buy. Defined contribution programs still work that way. It was great as long as what you bought increased in value.

• (1720)

I think it was 20 quarters in a row that the S&P had a 20 per cent or better increase, and a large part of that increase was in the growth stocks of the technology sector. The problem was that there was no end to risking everything on this constantly growing asset class. As we all know, the technology bubble burst, and many people's savings just disappeared. There were no savings.

During the same period sophisticated people, ordinary people and the people who follow along because they want to be successful as well also bet on real estate, on their homes. If someone bought a \$200,000 house, then they can spend all the rest of their money because a year later that house would be worth \$300,000. The numbers just kept going up and up, and people invested huge amounts. A good part of people's savings today is invested in their homes or their cottages because they believe that these investments will some day be worth many times more than the original investment. That is like the honourable senator's quote about the optimist looking forward.

What brought this article to my attention is that the latest move in the U.S. system threatens what was once the foundation of old age security. Rather than protecting savings and allowing ordinary folk to go forward into old age with some degree of minimum security, the U.S. government is proposing that old age security be privatized — turning their social security system into what the defined contribution plans did.

Senator Kinsella: A money purchase plan.

Senator Bryden: If that is what my honourable friend wishes to call it, fine. It means that everyone will have to do the same if they to be successful.

A number of economists are concerned about the direction being taking as people get older and live longer. If one looks at the ownership of equities, bubbles tend to burst. If one looks at the history of real estate growth, bubbles tend to burst. They burst in Toronto and Vancouver back in the 1970s and 1980s. Add to that the last vestiges of a society-backed security program that is now being turned over to the private sector, and it looks as if individuals are betting their futures in one giant casino. Some may end up very rich, because that can happen in a casino, but most will end up losing virtually everything — and they will not have any control or any guarantees. The majority of gamblers ultimately come out of casinos with less than they took in.

As I was listening to Senator Tkachuk discuss our system, I thought sure, all governments have had problems trying to put these systems together. However, one of the things that happens in Canada — and perhaps it goes with the Mr. Dithers caricature — is that we tend to muddle through. In fact, Canada is a success because it is not ideologically committed. Canadians are very practical. We will try what works and we will back off if it does not work. We change and adapt as we go forward.

I have a great deal of confidence in both the social fabric and the social safety net that have been built by various governments, piece and piece and bit by bit, all of which places Canada in a position of balance and security. The CPP is part of that

security. Canadians will not live a wealthy life on CPP or the OAS, but the GIS is also available. That combination of programs has worked and will continue to work.

Honourable senators, I think we will be making a serious mistake if we decide to ape the U.S. in requiring Canadian citizens to fund all of their future retirement and social needs.

Senator Tkachuk: You did not listen. You never got the point.

On motion of Senator Rompkey, debate adjourned.

WORLD TRADE NEGOTIATIONS ON DOHA ROUND

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Stollery calling the attention of the Senate to the World Trade Organisation negotiations on the Doha Round.—(*Honourable Senator Stollery*)

Hon. Peter A. Stollery: Honourable senators, 13 years ago I read a new book by Telford Taylor, called *The Anatomy of the Nuremberg Trials*. Telford Taylor was a member of the American prosecution staff at the first Nuremberg trial, and he went on to become chief prosecutor at the ensuing Nuremberg trials. It was a very good book and was well received. What struck me when I read the book was this sentence on the first page:

In 1945, and for 15 to 20 years thereafter, the reading public in the Western World knew a good deal about the structure and record of the Third Reich and the names of its leading personalities. Hitler, Goering, Goebbels, Ribbentrop, Himmler, among others, were household words. Today that is no longer the case. People forget.

Honourable senators might ask what that has to do with the World Trade Organization. People have forgotten not only about the Third Reich, they have forgotten and are ignorant of the consequences of poverty and the feeling of hopelessness that laid the foundation for the Nazis and the Communists.

The World Trade Organization, really a secretariat of complex agreements aimed at an open trading system, the putting in place of agreed and enforceable rules for trade between nations, seems to be one of the only effective ways that living standards of poor countries can be brought to an acceptable level. Apart entirely from feelings of sympathy for your fellow man, vast numbers of impoverished men and women without work, or working for such a pittance as to make their lives a misery, is dangerous.

The WTO, and in particular I am talking about the Doha development round negotiations, is a real opportunity to do something real about rural poverty in the world. As most honourable senators know, there are several areas of trade rules to be dealt with in the Doha Round. Four, what are known as the Singapore issues, have to do with investment, competition policy, transparency, government procurement and trade facilitation. However, the main challenge is to establish enforceable rules for world trade in agriculture.

Honourable senators do not need me to explain the importance of multilateral rules. We have the bad experience of trying to deal bilaterally with our main trading partner, the United States, on agriculture and other natural resource areas, such as softwood lumber. The Byrd amendment, beef, the Canadian Wheat Board — the list is not long but the problems seem to be unsolvable.

• (1730)

Retaliation is almost impossible because the cost is almost as great to the offended party as it is to the offending party. The U.S. congressional system, in particular, which does not listen to its own administration, listens only when the European Union, Canada, Japan and others may all retaliate if the Americans do not live up to their agreements.

The point is that, when a majority of an organization of nearly 150 countries gets together against a member country judged to have broken the rules, that member country pays attention. A system of government such as that in the United States where no one is actually in charge, should give everyone pause for thought.

However, our own direct interest is only one important part of the agricultural negotiations of the Doha Round. On January 17, 2005, the UN produced a highly acclaimed report of some 3,000 pages entitled *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*. The report stated authoritatively that 1 billion of the world's 6 billion people live on less than \$1 a day and 2.7 billion live on less than \$2 per day.

As many of you know, the United Kingdom chairs this year's G8 meeting which takes place this July at Gleneagles, Scotland and, once again, Africa is on the agenda. I say "once again" because Africa was on the agenda at Kananaskis in 2002, the last time Canada chaired the G8. It is difficult not to observe that most of Africa has been independent since the early 1960s. Why did it take the world so long to discover the miseries of so much of that unhappy continent where not only do more than 2 million people a year die of AIDS, but 1 million, mostly children, die every year from malaria, which is easily and cheaply preventable and has been for years. One in six children in sub-Saharan Africa will not see his or her fifth birthday.

Not long ago, I heard President Museveni of Uganda say that in his country, 85 per cent of the people work in subsistence agriculture. I would venture to guess that an overwhelming majority of the 3 billion people referred to in the UN report are engaged in some form of subsistence agriculture. One of the responses to the UN report was by Gordon Brown, British Chancellor of the Exchequer, who has a leading role in this year's G8 meeting. Some weeks ago, I watched Gordon Brown say on television that Africa will miss some targets for reducing poverty by more than 100 years.

Primary education for all will be delivered in 2130, the halving of poverty by 2150, the elimination of avoidable infant deaths by 2165. All these goals were to have been met by 2015.

Imagine if that were said about Canada, that we were going to miss an important social or, for that matter, any other target by 100 years. There would be an uproar in Parliament, in the media

and in the country at large. When it is said about Africa, or poor countries on other continents, only a few specialists make a fuss. Most people say, "Oh yes, that is terrible," and get on with what they are doing. Only with the rise of disorder, danger and threat do people get serious. Yet, 3 billion impoverished people on this planet — half the population — is, I insist, very dangerous for everyone.

The best example of the connection between poverty and security and subsistence agriculture that I can think of was revealed in testimony in private conversation when the Foreign Affairs Committee went to Mexico to hear witnesses on NAFTA. When the committee was in Mexico, we heard repeatedly that all was not well in the countryside. We had many conversations with Mexican politicians and private chats with witnesses. As I wrote in my foreword to the report, I was personally taken aback by the explosion in the number of street vendors.

Mexican members of Parliament said that there were villages and whole rural areas where there are almost no men. The imports, because of NAFTA, particularly of cheap beans and maize from Canada and the United States, had wiped out millions of subsistence farmers who simply had no option but to leave and seek work in Mexico City or the United States.

During the visit of President Fox last fall, the situation was confirmed unanimously by the delegation of Mexican senators from all parties during an on-the-record meeting of the House of Commons Standing Committee on Foreign Affairs attended by Senators Prud'homme, Corbin and myself, and I cannot recall whether Senator Andreychuk was there.

There is no doubt that, for Mexico, the United States has become the safety valve. Of course, informed American officials know this. The border authorities that I have seen interviewed estimate that they stop one in three, most of whom they say probably try again. *The Globe and Mail* reporter Allan Freeman said in Washington just a few days ago that the numbers are quite staggering and that, according to the U.S. border patrol, 586 illegal aliens were caught attempting to enter the United States through just Arizona in the year that ended last September 30. That figure is up 175,000 from the previous year.

At the dinner in honour of the Fox visit, I sat next to a very senior Mexican business figure who observed that, if the Americans really did seal their border and the more than 500,000 illegal Mexican workers could not cross into the United States and look for work, the bottling up of millions of unemployed driven off the land by an unwise agricultural agreement as part of NAFTA could cause an explosion and possibly a civil war.

Senators can imagine what this means for U.S. security. If the Americans stop them coming in, they risk civil disturbance in their neighbour, which could have equally bad consequences for themselves. Obviously, if this huge movement of illegal workers continues, there is a great risk of undesirables smuggling themselves into the United States together with the ordinary folk looking for jobs.

The United States, because of pressure from its heavily subsidized agricultural interests demanding access to the Mexican market, has put itself at serious risk. I do not know what percentage of Mexicans work in subsistence agriculture, and I do not think anyone does. The official statistics are not reliable. My own guess — and I have nearly 50 years of experience in poor countries — is that it is at least between 30 and 35 per cent. In Canada and most developed countries, about 4 per cent work in agriculture, and the concept of subsistence agriculture has ceased to exist.

Over the last two years, I have attended the Wilton Park Conference in England on the Doha Round on development. Last year, after our committee's discoveries in Mexico, I continually pointed out to trade negotiators and other interested parties the cost of a bad negotiation. What the world needs, and not just the wealthy world's farmers, is an outcome that is good for everyone, or at least most people.

How can you have prosperity and the security that follows if, as in Uganda, 85 per cent of people work in subsistence agriculture earning a miserable pittance, and then you drive them from the land with an international agreement that only assists large landowners?

Senator Sparrow explained to me years ago that there are at least two kinds of agricultural production — internationally traded commodities, such as coffee and grain, and locally traded products like eggs, chickens, turkeys, dairy products and tobacco. I understand that. Subsistence farmers are mostly inefficient. I understand that to make agriculture productive usually, though not always, larger land holdings are necessary. Colombian coffee farmers, for example, do farm quite small holdings. It is said that coffee is the second largest traded commodity in the world by value after oil. Colombia has the most advanced national coffee organization in the world. It is one of the things in that troubled country that actually works very well.

President Museveni said that industrialization is the only way Uganda's subsistence farmers will improve their condition. I think that may take quite a while, and I do not think it is in the interests of anyone to wait. I do not see how the Doha Round negotiations can be a success if subsistence farming is not addressed.

Honourable senators, I am perfectly aware that agriculture may be the most difficult trade issue of all. Twenty years ago, the MacDonald royal commission said in its report that world agricultural policy was substantially interventionist. I do not think things have improved.

A year or two ago, in Uruguay, I was cycling in the daytime and, in the evening, reading outraged newspaper editorials in the Uruguayan press about a shipment of U.S. subsidized rice that had been sold to southern Brazil and that had stolen a market from Uruguayan producers. The story was in all the papers and on television. It was not good for the image of the United States.

One of the problems with the WTO, and with trade negotiations generally, is that matters are in the hands of the producers. The consumers do not get a look in. The annual Wilton Park

Conference is an interesting example. Nearly all the participants are negotiators with a sprinkling of what you might call NGO-types. The conference was most worthwhile and I will try to attend again this year. These are serious senior negotiators and their teams from Japan, the U.S., Europe and other countries.

• (1740)

For example, this year we had the chief Sudanese negotiator. From him, I learned that Sudan has the largest cotton farm in the world. Last year, the brilliant Japanese negotiator attended. I was told that each time rice was on the agenda, his hands were completely tied by representatives of Japanese rice farmers who would sit beside him to make certain he did nothing that affected their interests. As senators are aware, Japan is the largest food importer in the world but does not allow one grain of rice to come into the country. There are no consumers, other than the negotiators, who are, after all, consumers themselves and, in private, marvel at the subsidies for European beet sugar and U.S. cotton.

For someone like me, who was trained as a merchant by extraordinarily able merchants, who, if any good, must think like consumers, I know something about Egyptian and Sudanese cottons. This gap is troubling. I have seen the same thing in Geneva and have wondered if it is one of the reasons that so many groups hate the WTO. Where I see the Doha Round as a chance to set rules agreed upon by nearly 150 countries, which can only benefit, they see only a system that will make everything the same and eliminate quality and choice — and they have a point, which leads me to my point.

As far as I can determine, our Canadian stand on these negotiations is that we are anti-subsidy and pro-market access. We have a third position: We want to protect our marketing boards. I believe that some form of supply management, an area where Canada has great expertise, must be extended to poor countries in tandem with subsidy reform and market access. After all, if we think it works for us, why would it not work for others to help their subsistence farmers make the transition to a more advanced agricultural economy? As I mentioned at the beginning of my remarks, people forget. We have an amazing capacity to not put ourselves in the other fellow's shoes.

When I was born in Toronto, 30 per cent of employable Torontonians had no work. In 1935, the city paid \$10 million for soup kitchens. One in seven people in Ontario were on relief. Our society could not stand that, and we changed. In other countries, anger at poverty brought us the communists and the fascists and the Nazis. Why should other people be different from us?

It will take years, but the success of the Doha Round, with agriculture as its main theme, is important, if for nothing else our own safety.

The Hon. the Acting Speaker: If no other senator wishes to speak, this inquiry is considered debated.

The Senate adjourned until Wednesday, February 23, 2005, at 1:30 p.m.

CONTENTS

Tuesday, February 22, 2005

	PAGE		PAGE
SENATORS' STATEMENTS		Need for Integrated Department of Foreign Affairs and International Trade	
The Senate		Notice of Inquiry.	
Appointment of Ethics Officer, Jean T. Fournier.		Hon. A. Raynell Andreychuk	
Hon. Jack Austin	744	749	
Hon. Noël A. Kinsella	744	Budget Speech	
Newfoundland and Labrador		Accommodation for Senators in Commons Gallery.	
Offshore Oil and Gas Agreement.		The Hon. the Acting Speaker	
Hon. Joan Cook	744	749	
Netro Halifax Business Awards		<hr/>	
Hon. Donald H. Oliver	745	QUESTION PERIOD	
Ultra Awards		Information Commissioner	
Congratulations to the Honourable Jean Lapointe and Mr. Michel Brault.		Extension of Access to Information Act to Crown Corporations and Government Institutions.	
Hon. Viola Léger	745	Hon. Gerald J. Comeau	
Guide-Scout Week		Hon. Jack Austin	
Hon. Catherine S. Callbeck	746	749	
<hr/>		Finance	
ROUTINE PROCEEDINGS		Auditor General's Report—Funding of Foundations—Accountability.	
Bill to Change Boundaries of Acadie—Bathurst and Miramichi Electoral Districts (Bill C-36)		Hon. Donald H. Oliver	
Report of Committee.		Hon. Jack Austin	
Hon. Lise Bacon	746	750	
Human Rights		Auditor General's Report—Foundations—Tabling of Annual Reports in Parliament.	
Report to Authorize Committee to Extend Date of Final Report on Study of International Obligations Regarding Children's Rights and Freedoms Presented.		Hon. Donald H. Oliver	
Hon. A. Raynell Andreychuk	747	Hon. Jack Austin	
Report to Authorize Committee to Extend Date of Final Report on Study of Issues Related to National and International Obligations Presented.		751	
Hon. A. Raynell Andreychuk	747	National Defence	
Report to Authorize Committee to Extend Date of Final Report on Study of Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service Presented.		Search and Rescue—Replacement of Fixed-Wing Aircraft.	
Hon. A. Raynell Andreychuk	747	Hon. J. Michael Forrestall	
Report to Authorize Committee to Extend Date of Final Report on Study of Legal Issues Affecting On-reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship Presented.		Hon. Jack Austin	
Hon. A. Raynell Andreychuk	748	751	
Department of Public Safety and Emergency Preparedness Bill (Bill C-6)		Canadian Broadcasting Corporation	
Report of Committee.		Ukraine—Radio Canada International Cutbacks.	
Hon. Colin Kenny	748	Hon. A. Raynell Andreychuk	
The Senate		Hon. Jack Austin	
Notice of Motion to Appoint Ethics Officer, Jean T. Fournier.		751	
Hon. Jack Austin	748	Environment	
Federal-Provincial Fiscal Arrangements Act (Bill C-39)		National Round Table on the Environment and the Economy—Appointment of Mr. Glen Murray as Chairman.	
Bill to Amend—First Reading	748	Hon. Terry Stratton	
Anti-terrorism Act		Hon. Jack Austin	
Notice of Motion to Authorize Special Committee to Meet During Adjournment of the Senate.		752	
Hon. Joyce Fairbairn	748	Delayed Answers to Oral Questions	
		Hon. Bill Rompkey	
		753	
		Agriculture and Agri-Food	
		Agricultural Income Stabilization Program—Suggested Changes.	
		Question by Senator Gustafson.	
		Hon. Bill Rompkey (Delayed Answer)	
		753	
		Health	
		Compensation to Hepatitis C Victims.	
		Question by Senator Cochrane.	
		Hon. Bill Rompkey (Delayed Answer)	
		753	
		Avian Influenza—Outbreaks in Southeast Asia—Monitoring and Screening Processes.	
		Questions by Senator Keon.	
		Hon. Bill Rompkey (Delayed Answer)	
		754	
		Pages Exchange Program with House of Commons	
		The Hon. the Acting Speaker	
		754	

ORDERS OF THE DAY

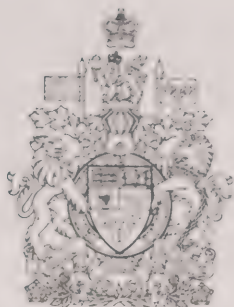
Business of the Senate	
Hon. Bill Rompkey	754
Federal-Provincial Fiscal Arrangements Act (Bill C-24)	
Bill to Amend—Second Reading.	755
Hon. Paul J. Massicotte	756
Hon. David Tkachuk	757
Hon. Leonard J. Gustafson	757
Hon. Donald H. Oliver	759
Hon. Lowell Murray	761
Hon. Leonard J. Gustafson	762
Referred to Committee	
International Interests in Mobile Equipment (aircraft equipment) Bill (Bill C-4)	
Third Reading.	762
Hon. David Tkachuk	
Criminal Code (Bill C-10)	
Bill to Amend—Second Reading.	762
Hon. A. Raynell Andreychuk	764
Hon. Anne C. Cools	766
Referred to Committee	
First Nations Government Recognition Bill (Bill S-16)	
Second Reading—Subject Matter Referred to Committee.	766
Hon. Bill Rompkey	
Criminal Code (Bill S-21)	
Bill to Amend—Second Reading—Debate Continued.	766
Hon. Terry Stratton	
Judges Act (Bill S-8)	
Bill to Amend—Second Reading—Debate Continued.	766
Hon. Anne C. Cools	

Bill to Change Name of Electoral District Kitchener— Wilmot—Wellesley—Woolwich (Bill C-302)	
Third Reading.	767
Hon. Terry M. Mercer	
Bill to Change Name of Electoral District Battle River (Bill C-304)	
Third Reading.	767
Hon. Noël A. Kinsella	
Foreign Affairs	
Budget and Authorization to Engage Services—Report of Committee on Study on Matters Relating to Africa Adopted.	767
Hon. Peter A. Stollery	
Budget and Authorization to Engage Services— Report of Committee on Study on Issues Related to Foreign Affairs Adopted.	767
Hon. Peter A. Stollery	
Internal Economy, Budgets and Administration	
Third Report of Committee Adopted.	767
Hon. Bill Rompkey	
Anti-terrorism Act	
Budget and Authorization to Engage Services— Report of Special Committee Adopted.	767
Hon. Joyce Fairbairn	
The Senate	
Motion to Urge Government to Reduce Certain Revenues and Target Portion of Goods and Services Tax Revenue for Debt Reduction—Debate Continued.	768
Hon. Bill Rompkey	768
Hon. Gerald J. Comeau	769
Hon. David Tkachuk	771
Hon. John G. Bryden	
World Trade Negotiations on Doha Round	
Inquiry.	772
Hon. Peter A. Stollery	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 39

OFFICIAL REPORT
(HANSARD)

Wednesday, February 23, 2005

—

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, February 23, 2005

The Senate met at 1:30 p.m., the Honourable Fernand Robichaud, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

BLACK HISTORY MONTH

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Black History Month affords us the opportunity to reflect on the rich history of Black communities in Canada.

The early roots of the Black community in the Maritimes demonstrate deep and varied origins. Historians are exploring the early days including the pre-Loyalist stories. In New Brunswick, we are learning of the early Black pioneers. Historian W. O. Raymond, in his *History of the River Saint John, 1604-1784*, gives but one account of Black presence in the 1690s. There are many descriptions of Black families in our region prior to New Brunswick being established in 1784.

We salute the journey of Arthur Richardson, who was the first New Brunswick Black university graduate in 1886. The first Black woman to obtain her degree was Matilda Winslow in 1905.

Honourable senators, the human rights movement in Canada during the 1950s and 1960s owes a great deal to outstanding Maritime Black leaders. I would underscore the pioneering work of the Reverend Dr. W. P. Oliver, a remarkable leader who I had the honour to meet through my work with Joseph Drummond and Dr. Fred Hodges of the Saint John Black community.

Another great Maritime pioneer was Dr. Carrie Best, O.C., a charismatic and dynamic lady who among other things founded the first Black-owned and published newspaper in Nova Scotia. Carrie was once arrested for her refusal to observe "Whites Only" notices. She ran a human rights show and was always there to help in the struggle for equality.

We can also recall Viola Desmond, the brave Nova Scotian who refused to be relegated to the "Blacks Only" section of a theatre and was imprisoned and fined. She was a crusader in exposing what she called "Jim Crow" conditions in the Maritimes.

Today, honourable senators, the Black Cultural Society of Nova Scotia honours contemporary leaders by inducting such outstanding contributors into the Dr. William P. Oliver Wall of Fame. Honourable senators can fully appreciate why our own colleague, Senator Donald Oliver, a Harry Jerome Award winner, is one such inductee.

Hon. Senators: Hear, hear!

[Translation]

RADIO-CANADA

REDUCTION IN PROGRAMMING OF *ZONE LIBRE*

Hon. Jean Lapointe: Honourable senators, a few weeks ago, during an interview I gave on the show *Zone libre* about Bill S-11 on video lotteries, I was informed of an unusual situation, which I would describe as a crying shame. Next season, *Zone libre* will air only eight times, instead of 26, as is currently the case. In my opinion, this is an absurd.

Radio-Canada's decision to cut its budget should in no way affect national and international news coverage. Is Radio-Canada not required, given its mandate, to inform the public?

It should be noted that *Zone libre* news reports have won numerous national and international awards. These news reports have aired on TV5 and been broadcast throughout the Francophonie. A reduction in the number of broadcasts, as proposed by management at Radio-Canada, means we are losing an excellent opportunity to showcase the quality of our information products.

Still shocked by this news, I want to take this opportunity to tell management at Radio-Canada that it should rethink this decision, which is, at the very least, upsetting.

I have in my possession a petition signed by a number of members of the House of Commons and the Senate. Tomorrow morning, a copy of this petition along with a letter will be sent to Robert Rabinovitch, Daniel Gourd and Carole Tyler. Given the capabilities of these three individuals, I am convinced that they will take into consideration this petition signed by the representatives of the general public and that they will find an equitable solution for *Zone libre* in the interest of all francophones in this country.

[English]

NATURE CONSERVANCY ASSOCIATION OF CANADA

NOVA SCOTIA—QUEENS COUNTY THREE NEW PROTECTED WILDERNESS AREAS

Hon. Donald H. Oliver: Honourable senators, I am delighted to rise today to announce that three wilderness areas where I live in Queens County, Nova Scotia, have been set aside to the Nature Conservancy of Canada to be protected forever. The three properties — Toby Island, Long Lake Bog and Shingle Mill Bog — encompass over 308 hectares of environmentally protected land.

The land was sold by the Queens Municipal Council to the Nature Conservancy of Canada for the price of \$3. The Nature Conservancy believes this to be one of the first instances in Canadian history where a municipality has sold property to an environmental organization virtually free of charge. The details of this groundbreaking donation were announced on Monday by John Leefe, Mayor of the Region of Queens Municipality.

The Nature Conservancy of Canada has considered all three environmental sites to be "extremely ecologically valuable for decades." In its press release dated February 21, it guaranteed that "all three pieces of land will now be set aside for nature forever."

Toby Island is a 7.28 hectare, or 18 acre, uninhabited island site situated near the Medway Harbour. It provides an important whelping ground for harbour seals and breeding ground for several species of seabirds. The other two properties are bogs. Long Lake Bog is approximately 218 hectares and is located near Lake Rossignol in the western part of the county. Shingle Mill Bog is 82 hectares and is located 15 kilometres northwest of Liverpool.

• (1340)

Now that the Nature Conservancy owns the land, it will be left as is. No trails will be built and people may visit the lands as they always have, provided they do not leave an impact on the environment.

Honourable senators, this recent transfer of land to the Nature Conservancy of Canada cements Queens County as a provincial leader in environmental conservation. It holds one of the highest percentages of protected land in Nova Scotia, at 13 per cent. There are now 34,705 hectares of environmentally protected land in the county, including these three wilderness areas, a nature reserve and a national park.

It is my hope, honourable senators, that this recent donation of land will set the standard and encourage all levels of government to work with private groups and non-governmental organizations to protect Canada's natural heritage for future generations.

[Translation]

CITIZENSHIP AND IMMIGRATION

TEMPORARY WORK PERMIT PROGRAM FOR EXOTIC DANCERS

Hon. Lucie Pépin: Honourable senators, most senators have recently expressed their grave concern with the living conditions and exploitation of exotic dancers in Canada, especially those from other countries who have entered Canada through the temporary work permit program.

The Minister responsible for Status of Women is not unaware of the deplorable conditions in which these women are confined. In November 2000, research conducted by the University of Toronto, with the support of Status of Women Canada's Policy Research Fund, was published as *Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case*; this study has been gathering dust ever since. The authors refer to the current and often illegal migration of women from Eastern

Europe and the former Soviet Union to Canada, and describe in detail the degradations to which these women are constantly subjected. It is quite apparent that many of these women have, in fact, been victims of sex-trade traffickers. Many were escaping poverty in their own countries and were attracted to Canada for work in the "hospitality industry", often under false pretenses.

[English]

The Law Commission of Canada has just published a detailed report entitled, *Is Work Working? Work Laws that do a Better Job*, which describes these women's working conditions, particularly in chapter 4. The report raises a number of questions about their rights and what needs to be done to extend to them the minimum social protection of a civilized society. The report states:

The Commission...singled out exotic dancers as among the most vulnerable workers because their work is seen to be of minimum moral and social value. They often experience a high degree of exploitation and violence. But they are powerless to do anything about their working conditions because of poor labour protection and society's negative take on their work. These women are stigmatized, often penniless, and feel they have nowhere to run.

The recommendations in the November 2000 study by the University of Toronto and the December 2004 report by the Law Commission must be acted upon. Alarm bells are ringing and intervention is urgently required. These women must be found and their current living conditions investigated so the most flagrant abuse can be remedied. Are we not responsible for the critical situation in which these vulnerable women find themselves? Can we remain indifferent to their exploitation on Canadian soil and wash our hands of them because a temporary work permit program has now been abolished for this category of employment? The Ministers responsible for the Status of Women and Human Resources must act immediately.

FOREIGN AFFAIRS

ELECTION IN ZIMBABWE

Hon. A. Raynell Andreychuk: Honourable senators, I am rising in the chamber today to call attention to the current situation in Zimbabwe. With a parliamentary election scheduled for March 31, it is imperative that countries, including our own, recognize that at the present time Zimbabwe is not heading toward a free and fair election. In the last presidential election of 2002, the international community, including Canada, deemed the election as being not free and not fair.

Since then, Zimbabwe, as a member of the Southern African Development Community, or SADC, has adopted the Protocol on Principles and Guidelines Governing Democratic Elections. This protocol stipulates that all elections are to adhere to specific guidelines, including freedom of association, political tolerance, full participation of citizens in the political process, the impartiality of the electoral institutions and the deployment of a SADC observer mission.

Recently, however, the Zimbabwe Election Support Network undertook an extensive evaluation of whether Zimbabwe's electoral legislation meets the SADC guidelines. The conclusion was that the current legislation falls short of the SADC requirements.

On February 21, the Zimbabwean government finally extended an invitation to 32 countries and 13 regional and international bodies to send observers to monitor the upcoming election. Most of the observers will be from African and Caribbean nations as well as organizations such as SADC, the African Union, the Non-Aligned Movement and the United Nations, but not the EU or the U.S. or, in fact, Canada.

It appears, however, that those observers who have been invited will be prohibited from actually monitoring the election in a practical way. Therefore, it is crucial that the Canadian government immediately give the Zimbabwean election top priority. Canada should exercise its good offices in impressing upon the Government of Zimbabwe that a free and fair election is in their interests and, in particular, the interests of the people of Zimbabwe. Given Canada's considerable expertise in election management and monitoring, our commitment against apartheid in the past in South Africa and in the region of Southern Africa, and Canada's stated commitment to Africa, it is important that the Prime Minister and the Minister of Foreign Affairs use every avenue to impress upon Zimbabwe's neighbours, in particular those in the SADC region, that the goals and principles for the elections as set out in the SADC guidelines are the responsibility of the SADC members to enforce in all member states. If the peer evaluation concept as proposed by African leaders is to have any merit, it must be seen to be put in action in this case. I, therefore, call upon the Canadian government to use every avenue at its disposal to ensure that the Zimbabwean government demonstrates a free and fair election.

ROUTINE PROCEEDINGS

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING— DOCUMENTS TABLED

Hon. Tommy Banks: Honourable senators, two days ago in the second reading debate on Bill S-6, we discussed the suggestion made by Senator Kinsella that some documents to which I referred in that debate be tabled. I agreed but did not have those documents on hand at the time. I, therefore, rise now to ask permission of the Senate to table five letters to which I referred in that second reading debate, beginning with the letter of May 13, 2004.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Terry Stratton (Deputy Leader of the Opposition): Is there a more logical place for this item in today's proceedings?

The Hon. the Speaker: Honourable senators, I recall, because I was in the chair at the time, that Senator Banks, on the invitation of Senator Kinsella, tried to obtain leave to table the documents, but he did not have them with him. This probably is the

appropriate moment for the matter to be dealt with after the fact, namely, Tabling of Documents under Routine Proceedings.

Is leave granted, honourable senators, for Senator Banks to table the correspondence referred to in his request?

Hon. Senators: Agreed.

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Eymard G. Corbin: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Official Languages, a progress report covering the work of the committee during the fall of 2004.

• (1350)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER PRESENTED

Hon. Michael A. Meighen, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, February 23, 2005

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, November 4, 2004, to examine and report on the services and benefits provided to veterans in recognition of their services to Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MICHAEL MEIGHEN
For the Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 496.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE SENATE

NOTICE OF MOTION TO AUTHORIZE CERTAIN SELECT COMMITTEES AND THE SPECIAL COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate Standing Committees on Human Rights, National Finance, National Security and Defence, Official Languages, as well as the Special Senate Committee on the Anti-terrorism Act, be empowered, in accordance with rule 95(3), to sit on Monday, March 7, 2005, even though the Senate may then be adjourned for a period exceeding one week.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Michael Kirby: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Terry Stratton (Deputy Leader of the Opposition): Is the honourable senator aware that the Senate rises at four o'clock? Is there still a need for this motion?

Senator Kirby: There is, and I am happy to explain why.

Honourable senators, the mistake essentially was mine. I thought we were back to our 3:30 p.m. adjournment schedule. There are two panels of witnesses on the mental health study. The problem we have is that another committee is meeting in our room at six o'clock and we will have to be out of the room by that time. I can assure honourable senators that this will not happen again. I will not attempt to start before four o'clock on Wednesdays in the future.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

NATIONAL DEFENCE

UNITED STATES— PARTICIPATION IN MISSILE DEFENCE PROGRAM

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canada's new Ambassador to the United States, the Honourable Frank McKenna, got off to a rather explicit start. Yesterday, he informed the world that Canada was already part of the U.S. missile defence program. This was news presumably even to the Prime Minister. Mr. Martin has now reportedly contradicted the distinguished new ambassador and has informed the United States President in Brussels that Canada will not participate in missile defence.

Honourable senators, welcome to Wonderland. Could the Leader of the Government confirm that the Prime Minister has indeed told the President of the United States that Canada will not participate in the U.S. missile defence program?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot confirm the newspaper report as to what the Prime Minister might have said to President Bush. I have made inquiries, but I have not yet been advised officially of what might have taken place.

With respect to the statement of Ambassador Frank McKenna, I looked at the statement that he made during the committee hearings. If I may quote from committee hearings in the other place, with the permission of the Senate, Ambassador McKenna is reported as having said: "With respect to ballistic missile defence, this will be an issue decided by the Government of Canada with the contribution of the Parliament of Canada."

Following his testimony, he was interviewed by the media. I am assured that the point he was trying to make is that with respect to tracking incoming missiles, Canada has agreed to amend NORAD to allow NORAD information to detect and disseminate incoming ballistic missile threats to North America.

On the subject of whether Canada intends to participate in the interception of missiles directed at North America, that question remains for decision. I trust that a decision will be forthcoming shortly.

Senator Kinsella: Honourable senators, hopefully the new policy of this government will not be one that we duck when "Mr. Dithers" delays. I appreciate that the Leader of the Government in the Senate would have to await the return of the Prime Minister to ask him what he said. However, is there an assurance that this house will have the opportunity to engage in a full and wholesome debate prior to a decision being taken on any agreement concerning ballistic missiles?

• (1400)

Senator Austin: Honourable senators, first let me observe that it remains totally unclear what the position of the Conservative Party is with respect to joining with the United States in ballistic missile defence. There are newspaper reports, and I am not able to

ask Senator Kinsella to confirm them, that President Bush lectured the Leader of the Official Opposition, Mr. Harper, because he had not taken a determined stand to support the United States' request with regard to joining in the defence of North America through the American Ballistic Missile Program. Honourable senators, let us await a statement of policy with respect to this matter, and should it be the wish of this chamber to debate that statement of policy, then I believe that a debate in this chamber can be arranged by both sides.

Senator Kinsella: Honourable senators, I hope, in the not too distant future, when we are on the other side of this House, one of my colleagues will be in the chair that the present minister is in, and I fully anticipate that answers to questions from the opposition will be straightforward, clear and explicit.

Regardless of whether the Prime Minister of Canada or the Honourable Mr. McKenna speaks for the government, the government of our friends opposite have presumably come to some sort of a decision regarding the U.S. Missile Defence Program. That decision was supposed to be based on the merits. There was supposed to have been a debate in this house, as in the other place, if there are merits, or lack thereof, of the U.S. plan for the system. Therefore, quite simply, can the minister share with us the plan that the government is basing this decision on, whatever the decision is?

Senator Austin: Honourable senators, may I say to the first part of Senator Kinsella's aspirations that I believe that the opposition, the Conservative Party, will have to be much clearer about its position on missile defence and many other subjects before the Canadian people will be willing to trust them with a mandate.

With respect to the question of straightforwardness, again, the Conservative Party has shown no leadership in this area of ballistic missile defence. Honourable senators, the government has consulted widely with the Canadian people on ballistic missile defence, and its views will be communicated in a timely manner.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT INSURANCE PROGRAM— REPORT OF HOUSE OF COMMONS SUBCOMMITTEE—RESTORATION OF INTEGRITY

Hon. Terry Stratton (Deputy Leader of the Opposition): I have a fresh question. The question with respect to "Mr. Dithers" and missile defence will be coming forthwith in about six or eight months.

Honourable senators, last week in the other place the Subcommittee on the Employment Insurance Funds tabled a report calling on the government to take measures that would, in the words of the accompanying news release, "restore integrity to the Employment Insurance Program." To the knowledge of the Leader of the Government, does the government agree with the subcommittee report, tabled by none other than the chair of the main committee on Human Resources, his colleague Raymonde Folco, that the government needs to restore integrity

to the EI program? If so, would he care to speculate on what caused this loss of integrity that the committee now calls upon the government to restore?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not share the view that there is any loss of integrity in the Employment Insurance Program. I would not care to speculate.

Senator Stratton: Perhaps I can quote from the report. Honourable senators, on page 10 of the report we find the following:

...we believe that there is a moral obligation on the part of the government to restore integrity to the *Employment Insurance Act*. This necessarily requires that the cumulative surplus in the EI Account be returned to the EI program.

Does the government agree with that?

Senator Austin: Honourable senators, the government has under consideration the report from which Senator Stratton made his quotation. In due course and in a timely manner, the government's position will be known.

Senator Stratton: For the record, I reiterate again, that the surplus is now \$48 billion. I would expect that perhaps \$15 billion could be restored because that is the estimated amount required should there be a downturn in the economy. That \$48 billion is sure a heck of a smack against the integrity of the government when it uses it to pay down the deficit and the debt of this country and goes on to pat itself on the back by saying as much. All it does is spend money. We still have \$48 billion.

Senator Austin: We have heard this argument from Senator Stratton before and no doubt we will hear from him again on the same subject. I will repeat that the entire federal balance sheet stands behind the integrity of the Employment Insurance system.

Senator Stratton: With \$48 billion, I should hope so.

VETERANS AFFAIRS

DENIAL OF ANNUITIES—CASE OF CLIFTON WENZEL

Hon. Michael A. Meighen: Honourable senators will know that the Minister of Veterans Affairs has declared 2005 the Year of the Veteran. This year is dedicated to the contributions and sacrifices made by our men and women in uniform who have so proudly served our country. While I am pleased that the country has decided to honour our veterans in this manner, I am concerned that it continues to neglect some of our genuine heroes. Clifton Wenzel, an 83 year old veteran, has been continually denied an annuity by the Department of National Defence on the basis that his post-military career was deemed not to be "in the public interest." Squadron Leader Wenzel is an air force legend having served in and survived four major conflicts since the beginning of his career. As a recipient of the Distinguished Flying Cross and the Air Force Cross, he served his country with great distinction for over 20 years in the regular force. In addition to his service in the regular force, he also served for 10 years in the reserve force and played an important and influential role in the growth of

Canada's civil aviation industry. Because of his years of service, Squadron Leader Wenzel would qualify for annuity if his post-military career were considered to be "in the public interest."

My question for the Leader of the Government in the Senate is as follows: Various other veterans who left the regular force to pursue careers as farmers, court reporters, city solicitors and teachers were granted annuity because it was considered that they had left active military service for purposes that were "in the public interest." Surely 10 years of service in the reserves and a leadership role in the civil aviation industry constitutes a commitment that is "in the public interest." Surely this is not the time for narrow legal interpretation, but rather for compassion and flexibility.

Will the Government live up to its promise in dedicating 2005 to our veterans, and finally exercise its prerogative to award heroes, such as Clifton Wenzel, the pension to which he is surely entitled and which he so richly deserves?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will take Senator Meighen's representation with respect to Squadron Leader Wenzel to the minister personally and ask her to deal with it expeditiously.

Senator Meighen: I have a point of clarification, I think that the matter has been looked at in previous years by the Department of National Defence. It is a matter rather for the Minister of National Defence as opposed to the Minister of Veterans Affairs. Perhaps the government leader will keep that in mind when making his inquiries.

Senator Austin: Thank you very much, Senator Meighen, I will spread my representations.

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF JDS UNIPHASE COMPLEX

Hon. J. Michael Forrestall: Honourable senators, it is time for the Honourable George Hees to make a decision. If there is a doubt, resolve it in favour of the veteran. It is pretty simple.

Can the Leader of the Government confirm that the JDS Uniphase complex in Nepean has either been leased or purchased by Public Works and Government Services Canada for the use of the RCMP?

• (1410)

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Forrestall for giving me prior notice of his question. I have been advised by Minister Scott Brison's office to provide the answer of an outright no.

Senator Forrestall: Could the leader explain his evasiveness?

Senator Austin: Honourable senators, were I on the opposition side, I, too, would agree with Senator Forrestall that it is hard to take no for an answer. However, in this case, I am told there have

been no discussions of any kind by the Department of Public Works with respect to the use of the JDS Uniphase complex by the RCMP.

FINANCE

BUDGET 2005—RELEASE OF POSSIBLE CONFIDENTIAL INFORMATION TO *NATIONAL POST*

Hon. David Tkachuk: My question is for the Leader of the Government in the Senate. In today's *National Post*, there is an article by Ms. Anne Dawson that I found quite troubling. Over the last few days, there have been stories about the upcoming budget on radio and television and in the newspapers, but the article to which I refer is quite definitive:

Sources have also told CanWest News that the government is expected to offer across-the-board income-tax cuts by raising the basic personal exemption from the current \$8,012 to \$10,000, effectively removing one million Canadians, including 200,000 seniors, from the tax rolls.

Sources say that the more than \$12-billion defence injection will be used to recruit 5,000 more soldiers and 3,000 additional reservists, providing them with an across-the-board pay hike of 6.5 per cent.

Sources also say that:

...another \$1.5-billion is expected to go toward filling the existing 'shortfall' that the defence department has been running due to previous budget cuts...

Sources also note, however, that a portion of this overall injection has been announced previously to pay for new equipment.

Sources then say that:

Other business measures will allow companies to write off capital investments...

It is interesting that the article is so specific. Is it possible that Anne Dawson has a copy of the budget or that the minister is speaking to Ms. Anne Dawson of the *National Post*?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no government answer to the question of what Anne Dawson knows. I am sure that she is not, as is customary in the journalistic tradition, prepared to reveal her sources, if any.

Senator Tkachuk: Is it possible that Ms. Dawson knows Mr. Derek Ferguson, who works in the Liberal Caucus Research Bureau, House of Commons?

Senator Austin: Honourable senators, I have no information to supply the chamber in response to the honourable senator's question, but I would be interested if he were to reveal any further speculation that he might have.

Senator Tkachuk: I am not revealing any speculation. I asked the leader a question, and I believe he knows the answer to it. I asked the leader whether Ms. Anne Dawson knows Mr. Derek Ferguson, who is the General Director, House of Commons, Liberal Caucus Research Bureau.

I put the leader and the government on notice that I will be listening to the budget speech to determine whether the article to which I referred is quoting that speech. The rest of the article is not mere speculation and good research. I believe the *National Post* article contains direct quotes from the budget that will be delivered at four o'clock this afternoon.

I ask the leader again whether he knows who Derek Ferguson is and what his relationship is to Anne Dawson?

Senator Austin: Honourable senators, I do not know Derek Ferguson, I do not know Anne Dawson, and I do not know their relationship. The honourable senator has no basis for speculating that I do know. I believe that reference is out of line.

Senator Tkachuk: Would the leader undertake to obtain the answer for me in respect of that relationship?

Senator Austin: No, honourable senators, it is not a matter on which I report for the government in this chamber. If Senator Tkachuk has an interest in the subject, the Conservative side has a research bureau and, no doubt, they could spend a few dollars making their own investigations.

Senator Tkachuk: I believe this to be a serious breach of confidentiality, which we parliamentarians have always treated with some respect. I am not speculating, but I am quoting from an article that contains specific dollar amounts and quotes that I believe will be in the budget this afternoon at four o'clock.

I would ask the leader to undertake a comparison of the article by Anne Dawson in today's *National Post* with the budget as it is being delivered at four o'clock. If the leader finds that there are many similarities, would he undertake to find out who Derek Ferguson is and what his relationship is to Anne Dawson?

Senator Austin: Honourable senators, at this moment I will not give any undertakings, but rather I will await the delivery of the budget. The Senate will meet again tomorrow and, no doubt, Senator Tkachuk will be here with questions if his speculation today has any basis whatsoever.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer in response to an oral question raised in the Senate on the February 17, 2005, by Senator Carney in respect of the Arts Promotion Program at Foreign Affairs Canada.

FOREIGN AFFAIRS

ARTS PROMOTION PROGRAM—CUTS TO FUNDING

(Response to question raised by Hon. Pat Carney on February 17, 2005)

The Arts Promotion Program is of key importance to advance our international interests and those of Canadian artists.

The Public Diplomacy fund is set to sunset. As a result, the arts promotion budget is currently under review in keeping with the government's priority setting and budget exercise.

The Government of Canada is committed to supporting our artists in the international realm. The Arts Promotion Program at FAC has a unique role to play in promoting Canadian culture internationally — a necessary cornerstone of our foreign policy.

Foreign Affairs Canada's (FAC) Arts Promotion Program is Canada's primary foreign policy tool to promote Canadian culture abroad.

Through the program, Foreign Affairs Canada annually assists over 400 artists and companies to reach international audiences and promote Canadian creativity abroad. The program receives over 700 requests in addition to another 1,000 enquiries a year for international travel grants to professional organizations and export-ready artists in four main disciplines: performing arts, visual and media arts, literature and publishing, and film and television.

Foreign Affairs Canada is proud to support a wide diversity of artists and companies to reach international audiences such as Cirque Eloize, Alberta Ballet, Lalala Human Steps, Mermaid Theatre of Nova Scotia, Michael Ondaatje, Margaret Atwood, Denys Arcand and Guy Maddin.

The program is the Government of Canada's largest supporter of international tours by Canadian artists and artist organizations, and the only federal supporter of funds to producers to attend festivals.

For nearly forty years, Foreign Affairs Canada has allocated funds to showcase Canadian talent abroad, an initiative which not only serves to expose our artists to a wider public, but also to support Canada's wider international interests and priorities, whether political, economic or governance-related.

Through a range of contacts and exchanges, culture is a valuable tool in communicating the Canadian experience of diversity, openness and creative expression to the world and contributing to a modern and innovative image of Canada abroad.

The selection of projects follows a rigorous process and eligibility criteria are posted on the FAC web site.

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I have a ruling. On Tuesday, February 15, Senator Lynch-Staunton raised a point of order to object to proceedings that had occurred Thursday, February 10 with respect to the third reading and passage of Bill C-14. This bill, which provides for certain land claims and for a self-government agreement among the Tlicho, was adopted with leave the same day it was reported from committee without amendment. Indeed, the third reading motion was put almost immediately following the presentation of the committee report. Senator Lynch-Staunton objected to this accelerated consideration of a

bill, especially as it occurred during the Routine of Business. The senator has asked me, as Speaker, to rule out of order those requests for leave because, in his view, such requests distort the meaning of Routine Proceedings and deprive senators of an opportunity to debate a bill that would normally have taken place the next sitting day.

[Translation]

While I was prepared to give my decision before today, I decided to wait until now as a matter of courtesy to Senator Lynch-Staunton. This seemed to be the more suitable course to follow given that the ruling does not affect any matter currently before the Senate. In addition, the extra time taken in preparing this ruling has allowed me an opportunity to explain in greater detail some elements of our practice with respect to leave which I thought useful to bring to the attention of all honourable senators.

[English]

Let me point out that I did not take from Senator Lynch-Staunton's point of order that he wanted me to rule out of order what occurred on February 10. It is far too late for this. As I indicated at the beginning of the sitting on Tuesday, February 15, Bill C-14 has received Royal Assent and is now law. The real objection of Senator Lynch-Staunton, as I understand, is that asking for leave as happened on Friday, February 10 is contrary to good practice and, consequently, as Speaker I should use my authority to keep it from happening again.

Two other senators participated in the discussion on this point of order. Senator Rompkey, the Deputy Leader of the Government, indicated his surprise at the events of February 10; it had not been planned. However, he also observed that in the final analysis, the Senate is the master of its fate and, if leave is given, then business can be conducted outside the boundaries of usual practices as governed by the rules.

• (1420)

Senator Robichaud made the same point in his intervention. While he agreed that the quick consideration of a bill is not normally the best approach, once leave is sought and granted, without any objection from any senator then present, the Senate can dispose of the bill in this way. According to the senator, there is no reason to believe that what happened was an error in procedure.

[Translation]

I want to begin by thanking the senators who spoke to the point of order. In the time since this matter was raised by Senator Lynch-Staunton, I have had an opportunity to review the *Debates of the Senate* of Thursday, February 10 and the relevant passages from parliamentary authorities, particularly in *Beauchesne's* and *Marleau and Montpetit*.

I have also benefited from research of past instances in the *Journals of the Senate* when similar events have occurred. As well, I have re-read a ruling dated November 2, 1999 that was given by

my predecessor, Speaker Molgat, on a similar matter. Having considered all this information, I am prepared to give my ruling.

[English]

As Senator Lynch-Staunton pointed out, the Daily Routine of Business is a class of parliamentary proceedings where the Senate deals with items that enable it, by and large, to organize its Orders of the Day for subsequent sittings. Thus, for example, during the Routine of Business, notices of motions or inquiries are given, petitions for private bills are received, and committee reports are presented or tabled. All of these items are to be taken up at a future sitting day depending on which rule applies.

The *Rules of the Senate* are clear as to the order and sequence of the Routine of Business. Rule 23(7) also stipulates that the time of the Senate in handling these items is limited to 30 minutes, at which time I, as Speaker, must call Question Period.

Thus far, I have described what the Senate does as a matter of course when it follows standard practice. This flow of business, however, can be altered by a suspension of the rules by leave of the Senate. Rule 3 states that "any rule or part thereof may be suspended without notice by leave of the Senate."

This, in fact, is what happened on February 10. Under "Presentation of Reports from Standing or Special Committees," the second rubric of the Routine of Business, the Chair of the Standing Senate Committee on Aboriginal Peoples, Senator Sibbeston, presented the report on Bill C-14 without amendment. In accordance with rule 97(4), I then asked when shall the bill be read a third time. Senator Sibbeston was prepared to move the routine motion for third reading at the next sitting, but before I put his motion, Senator St. Germain suggested that the bill be given third reading now in view of "exceptionally special circumstances."

In making this request, Senator St. Germain indicated that the leadership of the opposition had been consulted. For his part, Senator Austin, the Leader of the Government in the Senate, stated that he was also prepared to see the bill passed immediately. Accordingly, I asked if the Senate would grant leave for this. Once it was clear that the Senate had consented, Senator Sibbeston proceeded to move third reading of Bill C-14, seconded by Senator St. Germain. The motion was adopted immediately and so the bill passed.

There was nothing out of order in this, though I acknowledge that it is an infrequent event. Within the past dozen years, three examples have been found in the *Journals of the Senate*. Two instances occurred in 1994; another happened in 1998. All three bills were adopted at third reading with leave immediately following the presentation of the committee report.

Of course, none of these instances, including that of February 10, constitute a precedent. By definition, what occurs by leave can never be a precedent; it can never be considered binding on the Senate, obliging it to follow what was done by leave as if it were a rule. Nonetheless, the earlier examples confirm that a request for leave can legitimately be made and, if accepted,

[The Hon. the Speaker]

can result, as was seen with Bill C-14, in the immediate consideration of the bill at third reading. There is nothing that I can do as Speaker to prevent this from happening if it is the will of the Senate to proceed in this way.

Finally, I wish to take this opportunity to reiterate an explanation about the nature or impact of such leave as it relates to the Routine of Business. In a ruling that Speaker Molgat made on November 2, 1999, he explained that whenever the Senate agrees to grant leave "now" either for the third reading of a bill, the adoption of a committee report or a notice of motion, it is agreeing to consider a motion that is debatable. Whether or not an actual debate takes place is immaterial to the consequences of the decision to proceed this way. As Senator Molgat explained, "in agreeing to grant leave and put the question, the Senate has, in effect, stepped out of the Routine of Business for the duration of the debate until it is decided or adjourned." If debate is engaged, "the restrictions imposed by rule 23(1) preventing points of order or questions of privilege during the Routine of Business do not apply." It is important to keep this in mind because it addresses one of the objections raised by Senator Lynch-Staunton through his point of order.

Accordingly, it is my ruling that what occurred with respect to Bill C-14 on Thursday, February 10, was out of the ordinary, but not out of order. It was the unanimous will of the Senate to proceed as it did and, as Speaker, I have no authority to prevent the proceeding or to overrule it.

[Translation]

BILL TO CHANGE BOUNDARIES OF ACADIE—BATHURST AND MIRAMICHI ELECTORAL DISTRICTS

THIRD READING

Hon. Rose-Marie Losier-Cool moved that Bill C-36, to change the boundaries of the Acadie—Bathurst and Miramichi electoral boundaries, be read the third time.

[English]

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to say a few words at third reading on Bill C-36, the act to change the boundaries of Acadie—Bathurst and Miramichi electoral districts.

In my address at second reading of the bill, I explained why this corrective legislation was necessary. It was required due to an error in the original process — an error which ought not to have occurred in the first instance. It was corrected because a group of concerned individuals and organizations knew that there existed an injustice and took it upon themselves to seek a solution.

The government did not correct this error of its own volition. The individuals and organizations in the community had to pursue the matter; the courts agreed and the government then responded. That point must be made perfectly clear.

The Standing Senate Committee on Legal and Constitutional Affairs did not propose amendments to this bill, but it did make

observations that ought to be taken into consideration, as pointed out in its fifth report. I would like to draw the attention of honourable senators to those observations.

First, any mistake that is made should serve as a reminder for future deliberations and the committee recognizes this. The report states:

Your Committee, therefore, recommends that the Electoral Boundaries Readjustment Act be amended to ensure that an independent and transparent mechanism is available to deal with any similar situation that may arise in the future.

The committee arrived at this decision since currently the decennial census affords the only opportunity to appoint a boundary commission to alter the electoral map. This clearly needs to be corrected; and this recommendation from our committee, in my judgment, is laudable.

Second, regarding community of interest and community of identity, these are two very important elements, very important topics, with which the electoral boundary commission must deal. Our committee further observed that clearer direction should be given to the commissions when dealing with community of interest and community of identity.

• (1430)

I quote from the fifth report as follows:

Your Committee believes that the law should be amended so that community of interest and community of identity are clearly defined and the importance of cultural identity recognized.

If these definitions are not precise, honourable senators, there is great opportunity for error, as we have witnessed. To prevent this from happening again, I urge the government to act upon this recommendation from the standing Senate committee.

Reading a map does not give one a sense of the community in which people live. This is a point that must be recognized when electoral boundary commissions are undertaking electoral district readjustments. Each constituency has its own particular formation, and this must be considered. That is why our committee stated the following in its report:

Your Committee acknowledges the frustration of a number of Members of the House of Commons who have large ridings, made even larger when, for example, pockets of their ridings are isolated by natural barriers such as mountains or rivers. Boundary commissions must realize that what may appear logical on the map is not necessarily logical on the ground.

Honourable senators, I should also like to note a further recommendation made by our committee, which is one that I had the opportunity to mention when the Honourable Mauril Bélanger, Deputy Leader of the Government in the other the place and Minister responsible for Democratic Reform, appeared. It involves compensation for the individuals who pursued this matter. As I stated when I commenced my remarks, this mistake

might not have been corrected at all had these persons in the l'Acadie-Bathurst community not given their time and resources to correct this injustice. They deserve not only our gratitude but to be reimbursed for their costs, recognizing also that a significant portion of their costs were met through pro bono contributions by some of their legal advisers.

To quote the committee's report:

Your Committee therefore recommends that the costs incurred by those individuals be covered by the Privy Council Office.

In conclusion, honourable senators, it is my sincere hope that the Government of Canada acts on these recommendations and does its utmost to ensure that this mistake does not occur in the future. It is simply unfair to the individuals affected, and it does nothing to restore confidence in our institutions of government and democracy. Let us resolve to work together to improve future outcomes.

[Translation]

Hon. Lise Bacon: Honourable senators, I want to thank all the members of the committee who helped prepare the document we have tabled. However, I want to point out that we prepared these observations in camera. I was surprised to see some of these comments in the papers, despite the fact that I had refused to speak to journalists who approached me.

I understand the interest that some members of this noble chamber might have in this issue. However, for future reference, when we work in camera it is important not to disclose what is discussed in the Senate before the document concerned is tabled.

[English]

Hon. Serge Joyal: Honourable senators, I cannot refrain from drawing honourable senators' attention to the testimony of the Chief Electoral Officer last week at the Standing Senate Committee on Legal and Constitutional Affairs. Those who were in attendance will remember that we had the opportunity to question the Chief Electoral Officer on comments he made about the role of the Senate in relation to his appointment and his dismissal.

I want to remind honourable senators of the facts. Last fall, the Chief Electoral Officer appeared as a witness before the appropriate committee in the other place. In the course of answers to questions from members in the other place, he stated that the Electoral Boundaries Readjustment Act should be amended so that the Senate lose its capacity to dismiss the Chief Electoral Officer.

As honourable senators know, the Chief Electoral Officer is one of the five officers of Parliament. However, the Chief Electoral Officer enjoys a special status, in that he is appointed only by the other chamber but is dismissed by a resolution of both chambers. In my mind, it is an oddity that an officer of Parliament be appointed by one place and dismissed by the other place. I have always contended that the Senate should be as much a part of the appointment as it is of the dismissal.

I used the opportunity, with the authorization of the chair, Senator Bacon, to raise this issue with the Chief Electoral Officer and to express my dissatisfaction that the Chief Electoral Officer used the opportunity of testifying in the other place to talk about the role of this place in relation to his status as an officer of Parliament. The Chief Electoral Officer made the commitment that in his report next June on the Electoral Boundaries Readjustment Act he will recommend that our chamber be reinstated in its capacity to appoint the Chief Electoral Officer.

I want to commend Mr. Kingsley for that undertaking. This is a very important point, honourable senators. I have heard so many times that this chamber should not express any interest in relation to the Electoral Boundaries Readjustment Act because senators are not elected and that, the other place, being elected, should deal with everything that pertains to elections in Canada.

That notion is totally wrong. It is a misconception of the role of our chamber with regard to elections. Bill C-36, which we are currently debating, is a clear example of where this chamber has a role in relation to the protection, for example, of the official languages minority, be it in Quebec or in other provinces — and our colleague Senator Ringuette has been very eloquent on this subject — and to the protection of the status of Aboriginal people. As the Honourable Leader of the Opposition knows, there is an Aboriginal community in the riding of Bathurst. We questioned the Chief Electoral Officer with regard to the capacity of Aboriginal people to state their concerns when there is a redrawing of an electoral map. This place has the unique role of expressing the interests of minorities in the electoral process. If we simply close our eyes and pass such bills without question, we fail our constitutional duty to protect the minorities in the electoral process.

I am very happy, honourable senators, that our committee was able to state that to the Chief Electoral Officer because the interests of all Canadians are served when we put forward such views.

The Hon. the Speaker: No other senator is rising and some senators are calling for the question, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Tommy Banks moved the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

He said: Honourable senators —

• (1440)

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I was waiting to see whether Senator Banks would rise so that I could raise my point of order.

We have before us, honourable senators, Bill C-6, to establish the Minister and the Department of Public Safety, and in so doing this bill purports to jettison the position of the Solicitor General of Canada.

I would like to assert and to ask His Honour to rule on the very important question of the Royal Consent. I assert that this bill needs a Royal Consent because it involves the prerogatives of Her Majesty the Queen. In my view, this third reading debate should have properly been introduced not by Senator Banks but by the Leader of the Government in the Senate, Senator Austin, rising to give the signification that Her Excellency Adrienne Clarkson, the Governor General of Canada, has given consent that this bill may be deliberated and debated in this house. This bill touches not just one but many of the Royal Prerogatives of Her Majesty.

Honourable senators, I shall begin by putting on the record two paragraphs from Beauchesne. In arriving at the conclusion that I should raise a point of order today, I drew on Speaker Daniel Hays' ruling of November 17, 2004, which was the most recent ruling in this house on the phenomenon of the need and the use of a Royal Consent. I shall come to that in a second.

I wish to place on the record two paragraphs regarding the Royal Consent from Beauchesne's 6th edition:

726 (1) The consent of the Sovereign (to be distinguished from the Royal Assent to Bills) is given by a Minister to bills (and occasionally amendments) affecting the prerogative, hereditary revenues, personal property or interests of the Crown.

(2) The Royal Consent is generally given at the earliest stage of debate. Its omission, when it is required, renders the proceedings on the passage of a bill null and void.

Paragraph 727 states the following:

(1) The consent of the Crown is always necessary in matters involving the prerogatives of the Crown. This consent may be given at any stage of a bill before final passage; though in the House it is generally signified on the motion for second reading. This consent may be given by a special message —

— by the Governor General herself —

— or by a verbal statement by a Minister, the latter being the usual procedure in such cases. It will also be seen that a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given at the last stage, the Speaker will refuse to put the question. It is also stated that if the consent be withheld, the Speaker has no alternative open except to withdraw the measure.

Honourable senators, we have had quite a few debates in this chamber about the timing of the signification of the Royal Consent. The parliamentary authorities — and I speak of great masters such as Lord Lansdowne — all have told us that Royal Consent should be signified earlier than later. For the sake of discussion and for the sake of debate, I shall go with what our Speaker has said as recently as November 17 last. A point of order was raised by Senator Murray, spoken to by Senator Austin, Senator Joyal, myself and I believe Senator Kinsella. At that time, the issue was that it was the bill's second reading debate and that Royal Consent should be signified there at second reading. That case is a little different because it dealt with a private member's bill, not only a private member but an opposition member who, unlike a government member, does not have ready access to Her Majesty's representatives. In the instance of a government bill, it is a slightly different position because of the ready access.

This is what His Honour had to say. I quote from page 288, November 17, 2004:

Further, the Senate rulings by the chair show that the requirement for Royal Consent is not an impediment to debate since it need only be given before final passage of the bill. There is no reason for me to dispute either these assessments.

He continues:

It will not, however, prevent debate on second reading from continuing.

Honourable senators, we are long past second reading debate on Bill C-6. I took the counsel of His Honour, Senator Hays, the Speaker of the Senate, and did not raise the question of the Royal Consent at second reading because His Honour has said that it could be given at the final stage of the debate.

If we look at the same ruling again, His Honour cites Senator Joyal and myself. At that time I said that the Speaker has always said that want of the Royal Consent at second reading will not impede the matter. His Honour then recognized Senator Joyal, who also said that the chair was not required to provide a ruling until third reading.

Honourable senators, we are now at third reading debate of Bill C-6, which in parliamentary lexicon is the final passage of a bill. I can prove that point because when Senator Banks rose to speak just now, he believed that his speech alone would close the debate and bring on the question and the adoption of this bill. We are clearly in the final stage of the debate, what could be described as the final passage of this bill.

The business of the Royal Prerogative is probably the largest and the most complex area of all law, probably only matched by the complexity of the law of Parliament. The point I want to make is that Her Majesty in Canada is no ornament and is no piece of nostalgia. The BNA Act tells us clearly in section 9 that:

The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

Note the words "to continue." In other words, executive authority is vested in Her Majesty. In the BNA Act it was Her Majesty Queen Victoria. A fact of the constitutional life of this country is that all power is vested in the Queen.

• (1450)

We must understand very clearly, honourable senators, a fact that does not seem to be well-known; that the BNA Act constitutes Canada as a country, but it does not constitute the office of the Governor General of Canada. This is a fact that is not understood and is largely ignored. The office of the Governor General of Canada is constituted by the ancient Royal Prerogative of Her Majesty and is to be found in the Letters Patent constituting the Office of the Governor General of Canada, which I shall come to in a moment or two.

Honourable senators, I should like to cite and place on the record just some of the prerogatives that Bill C-6 involves, which will perhaps allow us to understand more clearly why the law of Parliament demands that Her Majesty's or the Governor General's agreement and consultation be obtained before the bill is considered and debated.

Bill C-6 will touch the prerogatives of Her Majesty, which can roughly be described as Her Majesty as the fountain of justice in Canada, and particularly all those matters that relate to the administration of justice. The first prerogatives effected, for example, would be what one would call the prerogatives in respect of pardons, mercy, clemency — there are many different words — also parole and remission. My dear friends, these powers exist not pursuant to the BNA Act but, rather, in the person of the Governor General, by virtue of the Letters Patent of the Governor General. In particular, I am looking at the 1947 Letters Patent and Article XII, grant of pardons. That is one set of the prerogatives in respect of those matters.

There are other aspects of the Royal Prerogative that this bill will also touch upon — for example, with respect to the administration of justice. These will be described as the prosecutorial powers, bringing and moving prosecutions along in the courts. Bill C-6 will also touch those powers, the Royal Prerogative, related to the granting of policing authorities, for example, the RCMP. These are prerogatives respecting Her Majesty's peace and her peace officers. These are huge sets of prerogative powers affected by this bill.

Maybe I should have said earlier when I was talking about the prosecutorial powers that we should remember that every single criminal prosecution in this country moves ahead in the name of Her Majesty.

Another important prerogative power that this bill touches has been dismissed as name only, as a name change, and I dispute that, and I repudiate that, and I say that it is patently wrong, and not only patently wrong but patently misleading and patently deceptive. This bill attempts to alter, jettison or abolish the position of the Solicitor General. You cannot do that. You cannot do that, old chaps. You simply cannot do that.

If you want to say something, Senator Mercer, be my guest. Let me continue.

The Solicitor General of Canada is the second of the two law officers of the Crown. There are three, but for these purposes we are talking about the two law officers of the Crown. One is the Attorney General, known as the *attornatis regis*, the attorney of the king. Then there is the *attornatis secundarius*, which was the second or the junior law officer of the king. If honourable senators doubt me, they would discover, if they were to visit the U.K., that not only is there a Solicitor General in the U.K., but the Prince of Wales has his own Solicitor General.

What I am trying to say here, honourable senators, is that the Solicitor General is called the law officer of the Crown because the Solicitor General, like the Attorney General, is a permanent attachment to the office of the Crown, to the office of the Queen. We must understand that they are not officers because someone pulled the word "officer" out of the blue. They are officers because they are major officers, I would say, from the first positions of every government. I grew up in a colony. When governments were set up in colonies, more often than not the first positions that were set up were quite often the Governor, then the Attorney General and then the Solicitor General.

Honourable senators, in times of crisis and in times of collapse of constitutional governments — many people believe that cannot happen, but it does happen, and we are having constitutional governments all over the world in many countries collapsing. In times of constitutional crisis, when government fails, the constitutional power that assumes full control of governance is none other than the Queen's representative, the Governor General, assisted by her law officers.

The Hon. the Speaker: Senator Cools, I do want to hear your point of order, but I am rising because 15 minutes have passed, and that would be the normal time that we would spend on a bill other than the first intervention. There are no limits in terms of what we do when we are dealing with a point of order, other than that the Speaker can rise to indicate, when he or she thinks they have heard sufficiently of the matter put in question, that they are in a position to decide. I am rising at 15 minutes just to draw attention to the fact that we have other business.

I would appeal to you, Senator Cools, to please, if you can, be concise and bring your point to a conclusion. I will give you an opportunity to speak in response after I have seen other senators, but in the interests of the general proceedings of this place and the time we spend on a point of order, I draw to your attention that some 15 minutes have expired. I am the only arbiter of when the matter can be brought to a conclusion. I will use that discretion, and I do not want to do it arbitrarily. I am asking you, if you could, please, come to your point. I will then see other senators who wish to speak, and then I will return to you and give you a decision as to whether I reserve or not.

Senator Cools: Your Honour, I would remind you that in this chamber you are Her Majesty's representative, and this particular chamber has not had a debate on either of the law officers of the Crown for maybe a century. I would encourage Your Honour to support assiduously a discussion and debate on these issues.

As a matter of fact, Your Honour, this is one of those questions that should compel you to contemplate leaving the chair and going to your seat to join in on the debate to defend the interests of Her Majesty. Of all the persons in this chamber, the one most charged with upholding and defending Her Majesty's interests and Her Majesty's prerogatives and the law of the prerogative and the law of Her Majesty — it is His Honour.

Senator Mercer: Get to the point.

Senator Cools: You are a rude man. You work hard and you succeed at being obnoxious.

Senator Mercer: Thank you.

• (1500)

Senator Cools: The point, my dear —

Senator Mercer: I am not your dear.

Senator Cools: I know that. You have written to me. You remember what you said to me, right? I can talk about it right now, if you want.

An Hon. Senator: Order!

Senator Cools: He has taken his nasty pill today.

The Hon. the Speaker: Order! Honourable senators, I am eager to give Senator Cools the courtesy of a good hearing on her point of order. I am also eager that we do it in an efficient manner. I am in the position of having to weigh the time vis-à-vis other things that the Senate has before it today.

I would ask honourable senators to please listen to Senator Cools. I would like to hear her point of order. If I hear her without interruption, I am sure that will assist her in coming to her point more quickly.

Senator Cools: I have no problems making points, Your Honour. Some people having difficulty comprehending them, but I have no difficulty whatsoever in making them.

The position of the Solicitor General of Canada, the law officer of the Crown, is a part of the office of Her Majesty in Canada. Let us make no mistake about that. No deliberations and no debates on the floor of this chamber on any of these aspects of the law of the Royal Prerogative can move ahead without first having a discussion with Her Excellency the Governor General, and without getting her consent.

Honourable senators, I will reserve the rest of my material to be able to respond. However, in closing, Your Honour, I should like to say that we cannot allow in this chamber the continued shameless and shameful disfiguring of the Constitution and the disfiguring of the real role of the Monarch in this country as the linchpin behind the system and as the source of all executive power. Some honourable senators may think that this is ridiculous. However, I feel great attachment, because I believe

the system of governance that we have represents the finest and the highest jewel of constitutionalism all over the world. It is so sad and unfortunate that Senator Mercer does not think it is.

The Hon. the Speaker: Honourable senators, I will try to alternate. I want to give everyone who wishes to speak an opportunity to do so. However, please bear in mind that the clock is running and we do have other business today.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, on the point of order, first, I want to quote from Beauchesne at page 97, which states:

321. A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

This bill has gone through three stages in the other place, through most of the stages here, and we are at the final stage. The point of order before us is clearly in breach of Beauchesne, in that a point of order must be raised promptly and before the question is passed to a stage at which the objection would be out of place.

I have two points to make here. First, this is not the point at which to raise a point of order. Second, I want to quote from Marleau and Monpetit about the substance of Senator Cools' intervention. Page 643 of Marleau and Monpetit states:

Royal Consent (which should not be confused with Royal Assent or Royal Recommendation) is taken from British practice and is part of the unwritten rules and customs of the House of Commons of Canada. Any legislation that affects the prerogatives, hereditary revenues, property or interests of the Crown requires Royal Consent, that is, the consent of the Governor General in his or her capacity as representative of the Sovereign.

This particular bill does not affect in any way hereditary revenues, property or interests of the Crown. This is a change in government departments, which we have acknowledged from time to time on both sides of the House is the prerogative of the advisors of Her Majesty. Clearly, the point of order should not have been made now; however, on the substance of it, there is no point of order.

Hon. Noël Kinsella (Leader of the Opposition): Honourable senators, I will be brief and succinct. I am looking at the 6th edition of Beauchesne on Royal Consent. I would refer His Honour to that edition, as I know he will refer to it.

We have here a unique situation. We have never been faced with a question as to the orderliness of a bill — that is, whether it needed Royal Consent — in the case of a bill that is affecting the office of the Crown. That is what is unique about this case.

One has to look at the provisions of the Constitution Act that describe the office of the Crown and the officers of the Crown. Honourable senators will find there are only two officers that are consistently referenced, one of which is the Solicitor General.

There is no question, in my mind at least, that the bill that is before us is attempting to abolish the office of Solicitor General. It was not necessary to do this for the government to achieve the objective that it is seeking. All the government had to do was to create this ministry, and leave in there "and Solicitor General." However, this was an attempt to expunge the ministry of the Solicitor General and, more important, the office of Solicitor General.

Honourable senators, I recognize that it is a prerogative of the Prime Minister to organize the machinery of government the way the Prime Minister of the day would like to organize the machinery of government. I also recognize that it is done under other provisions. This is why we have had, for example, the Department of Foreign Affairs and International Trade operating, even though there was no act to do this and that in the other place they had problems with that act.

What we have here is, quite frankly, an error that was made — not with the intent to organize this piece of machinery as far as the new ministry is concerned, but by saying they had to abolish the position of Solicitor General because the office of Solicitor General is attached, as mentioned in the Constitution, to the office of the Crown. My argument here is, *mutatis mutandis*, if a bill must have Royal Consent for anything, it must certainly have Royal Consent when it affects a royal office.

Hon. Tommy Banks: The point that Senator Cools has raised, and to which Senator Kinsella has referred, was debated at great length on both sides of the question in the committee. A majority of the members of the committee, which has reported the bill unamended for third reading, found that in its view the question of the attachment of the office of Solicitor General to the Crown, *per se*, and that something special attached itself to that office by virtue of that connection that has had a long continuity in this country, did not, in fact, obtain. That question was debated at length.

Taken into consideration, among other things, is the fact that there was an interregnum in this country when there was no Solicitor General. We have previously been without a Solicitor General. Things did not go to hell in a handbasket then. There is an absence of any evidence whatever to show that, if this bill before us now is to pass, we will go to hell in a handbasket. There is no evidence to suggest that any previous holder of that office has been, by virtue of having had that office and by that name, imbued with a particular distinction.

The distinction that previous office-holders bearing that name have held has been because of the quality of the persons in that position, which will continue to be the case.

• (1510)

Senator Cools has referred to the majesty of the Crown and our system of government, which derives from the Westminster system. I agree with everything that she has said, and I happen to be an avid royalist. Senator Cools referred to the fact that continuity was given great respect in colonies. This country is not a colony. It is the will of Parliament, expressed in this bill, that an

office, which is by act of this Parliament, created in 1966 as a cabinet position and nothing more than a cabinet position should be changed and, in fact, abolished.

Honourable senators, in the past in this place, in this Parliament, there were Ministers of the Interior and External Affairs. Those positions no longer exist. We have changed the names. The name that is given to the minister who is responsible under this bill correctly and clearly describes the office and what it is to do, which "Solicitor General" does not. If we wanted to continue with tradition, we could decide that it could be called the Lord Chamberlain, which would be an appropriate office, given some of the things that this bill refers to. We have decided in this country not to stick to that line. Parliament is deciding on the name of a member of the ministry and the name of the department that will carry out important work in the government. The connection between the majesty of the Crown and the office of the Solicitor General in Canada, which is vastly different from the office of the Solicitor General in the United Kingdom, then or now, has not been made. Therefore, there is no point of order.

The Hon. the Speaker: Before Senator Cools continues, are other senators wishing to participate? If not, I will go to Senator Cools for her final comments.

Senator Cools: Honourable senators, I would like to restate that I relied on His Honour's ruling of November 17. I did not raise this point of order earlier. I followed the ruling as laid out by His Honour.

I would like to take issue with Senator Banks' comments. First, the issue of Royal Consent was not raised in committee. I deliberately did not raise this issue because I was adhering to the Speaker's ruling. The role of the Solicitor General was discussed in committee. That is quite different. Royal Consent must accompany any bill of this nature. You say you are relying on Parliament, but the law of Parliament states that Royal Consent is needed for a bill touching the Royal Prerogatives. This has nothing to do with the substance of the debate in committee. The point of the Royal Consent was not raised in committee because I assiduously wanted to conform to His Honour's ruling.

Honourable senators, Senate precedents show that in a similar situation concerning what we called the Clarity Bill in the year 2000, Bill C-20, that the Honourable J. Bernard Boudreau rose in this place — I think His Honour will remember that he at the time was the deputy leader — and gave the Royal Consent, which was the requirement for the Clarity Act to proceed. This is very important and I would like to put it on the record. On June 29, 2000, he said:

Honourable senators, I have the honour to advise this house that Her Excellency the Governor General is pleased, in the Queen's name, to give consent, to the degree to which it may affect the prerogatives of Her Majesty, to the consideration by Parliament of a bill...

The Royal Consent is a thing that goes with the bill. Let us not confuse the issues.

I would also like to give more support for the Royal Consent. For example, section 41 of the Constitution Act, 1982, sets aside and demonstrates very clearly that the position of the office of the Queen is not only protected by the law of Parliament, but it is also protected by the Constitution.

Section 41 of the Constitution Act, 1982, reads:

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of The Queen, the Governor General and the Lieutenant Governor of a province.

Honourable senators, you cannot go around changing names. The Prime Minister cannot decide to change his name to King. The process does not work like that. We have a Constitution, and it is a thousand years long and probably just as wide. That is what I mean by constitutional authority. I am talking about the principles, the law, the concepts and the culture that has affected how we pass law so that we do not find ourselves in situations where a Department of Justice official says, "It is the law because we, the department, say it is so." It is not that way. We, in this chamber, are charged by Her Majesty under oath to take our work very seriously.

Honourable senators, I would like to offer another precedent. I am not going to the substance of the bill at all. Senator Carstairs, on October 4, 2001 rose in this chamber and signified a Royal Consent on Bill S-34. There have been two precedents in this chamber in the last several years. It is certainly indicative of a certain kind of paucity that this issue of the Royal Consent was not even raised in the House of Commons, particularly by a minister.

In closing, I would like to share with Senator Banks in particular a statement that was made in the other place by none other than the current Prime Minister's father, Paul Martin Sr.

In 1966, which is not so long ago, the Department of Justice was reorganized in a similar process with a similar bill, almost verbatim in many places, and divided into the Department of Justice and the Solicitor General. The Solicitor General was extended from the Department of Justice and was given a full department called the Department of the Solicitor General. We are not talking about a long time ago because I have searched the record. Mackenzie King did it. This is a characteristic of the Liberals today. They do not follow their ancestors or their own precedents.

However, I want his Your Honour to know, and he should heed some of this, whenever a major bill affecting the machinery or the reorganization of government was to be moved, before a bill even began, it was normal to bring a resolution to the chamber to have a debate on what they called the expediency of bringing the measure forward.

I want to go to a resolution dealt with by the current Prime Minister Paul Martin's father, Paul Martin Sr., whose funeral I attended. Mr. Martin Sr. was asking the House of Commons to go into Committee of the Whole to consider a resolution:

That it is expedient to introduce a measure respecting the organization of the government of Canada to establish a Department of the Solicitor General —

— and other departments.

• (1520)

When Mr. Martin rose to move that the House go into committee at the next sitting to consider a resolution — not a bill, a resolution — he said. I shall quote from Hansard of May 2, 1966.

Hon. Paul Martin (for the Prime Minister) —

The Prime Minister was Mr. Pearson, if you please — and you are Liberals, right?

I shall continue the quote:

Hon. Paul Martin (for the Prime Minister) moved that the house go into committee at the next sitting to consider the following resolution which has been recommended to the house by His Excellency.

Therefore, folks, learn your own history, and learn the grand history of parliamentary government in Canada. Thank you.

Senator Robichaud: What a waste of time!

Senator Cools: You are a waste of time!

The Hon. the Speaker: Thank you, honourable senators, for your interventions.

We will deal with this matter in two parts. As to the question of whether Royal Consent is required, I shall reserve my decision and bring it to the House as soon as possible.

To the extent that the question is in issue on proceeding with debate, I am ruling that the authorities are clear on that and clear in respect of the way in which they have been quoted. In other words, honourable senators, if Royal Consent is required — and this is consistent with past rulings I have made — that Royal Consent can be forthcoming at any time before the final disposition of the matter, that is, before voting on the matter at third reading. Accordingly, debate can continue.

As to the question of necessity of Royal Consent, as I said, honourable senators, I shall take it under consideration and bring back a ruling as soon as possible.

Senator Banks: Honourable senators, I first want to congratulate all honourable senators who have taken part in this debate as well as the Chairman of the Standing Senate Committee on National Security and Defence for their review and thoughtful consideration of this bill. As honourable senators

know, the Committee on National Security and Defence has been very instrumental in the formulation of the thrust and content that is contained in this bill, and in the formulation of this new department and in its mandate, all of which are reflected in the proposed legislation. During committee stage here in the Senate, the Honourable Anne McLellan together with her departmental officials appeared to speak to the bill, and to participate in a very productive dialogue on a range of issues that are relevant to public security in Canada. The committee also heard testimony from Professor Wesley Pue of the University of British Columbia, at the suggestion of Senator Cools, as to the constitutional implications of not continuing the office of Solicitor General.

This issue, in fact, engendered considerable debate at the committee, led by Senator Cools. The concern focused on the argument that, by not continuing the office, we would be effectively abolishing an important historical and constitutional position of law officer of the Crown. This contention was countered, however, by Mr. Bill Pentney, Assistant Deputy Attorney General, Department of Justice, who stated there is no Canadian constitutional position of Solicitor General, that this position is strictly a statutory creation of Parliament by the Department of Solicitor General Act of 1966. Mr. Pentney said that the position of Solicitor General is not entitled to any constitutional protection and can be eliminated or restructured. A majority of the honourable senators who were members of that committee accepted that view and agreed with it. Consequently, the bill is now before us for third reading, unamended, but having had the benefit of considerable review and debate by that committee.

In strict government parlance, as Senator Cools said, this is a machinery bill, to create a new department, the Department of Public Safety and Emergency Preparedness. However, as the debates here, and previously here, and in the other place, and in committee have so clearly demonstrated, there is a larger story behind this proposed legislation. Bill C-6 is more than just housekeeping. It is more than just a measure to create a new government department. It is the latest step on a journey intended to safeguard a public trust — the most important public trust that government and Parliament hold, that is, the duty of the Government of Canada and of Parliament to ensure that all Canadians live and a safe and security environment.

Therefore, the bill proposes the integration and coordination of very important, in fact, key national security functions in one department. It would clarify the national leadership role of that department's minister relating to public safety and emergency preparedness. It is precisely that consolidation and the placing of those responsibilities into the hand of one senior minister that was the thrust of the most important recommendation — in my view — of one of the reports of Senator Kenny's National Security and Defence Committee. In fact, it is practically word for word what those recommendations suggested.

This proposed new department is built upon a very substantial legacy that comes from different departments of the government. The department of Solicitor General has, over the past 40 years, since its creation in 1966, earned a solid reputation on matters relating to policing, law enforcement, corrections, conditional

release and nationality security. The National Crime Prevention Centre is widely recognized for its critical role for keeping our communities safe. The Office of Critical Infrastructure Protection and Emergency Preparedness, fondly called OCIEPP, has evolved over the past decade to provide a vital capacity to prepare for and respond to all kinds of disasters, whether man-made or natural.

Honourable senators, it is not a small accomplishment to maintain safety and security in our environment in these dangerous and unstable times. Threats today take many forms, many of which are new to us — from natural disasters brought about by environmental degradation to random and strategic acts of terrorism.

Therefore, the time has come to take the next step on that journey, and this is that next step. We need to continue to build on those legacies that were in place by creating this proposed department — Public Safety and Emergency Preparedness — which amalgamates the Department of the Solicitor General, the National Crime Prevention Centre and the Office of Critical Infrastructure Protection and Emergency Preparedness. We take that step by supporting the proposed legislation that is before us, proposed legislation that creates a department and a minister whose job description is contained literally in their titles.

Bill C-6 creates the legal foundation for that new department. The key principles enshrined in the bill are neither novel, nor complex, but they are essential to the effective functioning of that department. They are critical to preserving safety and security in Canada. These principles — national leadership, portfolio coordination, partnerships and information-sharing — are at the heart of the kind of approach to security and emergency preparedness that we need in this country now.

Building on lessons learned from past experience, the proposed legislation embodies a truly integrated approach as opposed to a series of silos — with which we are all familiar — in the challenges that face us now, and they are very much at hand. It puts the new department at the epicentre of a portfolio of agencies and institutions designed to ensure our collective safety and security and to preserve, importantly, the rights and freedoms of Canadians. In a democracy there is no greater onus, no greater duty, no greater responsibility and no more daunting role of a government than that of protecting the safety and security of its citizens. It is a sacred public trust. Our approach must constantly evolve. We cannot rely upon the offices, let alone the methods, of yesterday, today.

• (1530)

We are at the cusp of the latest step of our journey, and I urge all honourable senators to help us move forward with confidence into the future by supporting Bill C-6 and its passage. By so doing, we can help to keep Canadians safe and secure in the most effective and certain way possible.

Senator Kinsella: Would the honourable senator answer questions for clarification?

Senator Banks: Yes.

Senator Kinsella: My understanding is that the honourable senator participated in the hearings of the Standing Senate Committee on National Security and Defence, which received the reference from the chamber to study this bill. I would like to have clarity shed on the issue. He mentioned that he heard from the minister and some of the witnesses. When the committee concluded its hearings, was there a break between the time at which evidence-taking ceased and clause-by-clause examination of the bill began? If so, how much time was it?

Senator Banks: My recollection is that clause-by-clause consideration was on a different day than was the final hearing of witnesses.

Senator Kinsella: As the clause-by-clause examination began, the honourable senator mentioned that there was great debate in committee. Was an opportunity given to debate each clause, as it was read, during the consideration?

Senator Banks: Honourable senators, I am reminded of a joke about an innkeeper and the use of the facilities at hand. The short answer to the question is, yes, and I say that with certainty. The usual process for clause-by-clause consideration was followed such that certain items were stood and each clause was considered separately. In each case, I was careful to be the first senator to say "agreed." In each of those cases, I allowed a silence of a few seconds to see if any other senator wished to speak before I said "agreed." Following my saying "agreed," some senators said other things, including "agreed," and some senators said "abstain." On a couple of occasions "opposed" was heard. All of that is contained in the complete transcript of those hearings.

The short answer to the question is: Yes, there was opportunity to debate each separate provision of the bill.

Senator Kinsella: I thank the honourable senator for the answer to those questions relating to process. In terms of substance, I accept the argument and my friend has outlined quite clearly, at least for me, the rationale for this new ministry. What is the compelling argument, at the same time, to not include "and Solicitor General"?

Senator Banks: I believe the reason is clarity, to avoid lexicographical circumlocution and to say plainly what the bill is about. If, for example, we were to say that the ministry and the minister are to be called "of public safety and emergency preparedness," and Solicitor General, then we would have to make reference to all of those elements to which I referred in my remarks a few moments ago that are being folded into this brand new ministry. We would have to say that the continuance of the ministerial responsibilities that obtained with respect to all of those other agencies of government are also continued; and that does not make any sense in the view of the government. Rather, it makes sense in the view of the government to say of a new minister and a new ministry that this is what it is and this is what it does. It happens that it folds into itself and its effect was consolidation of a number of responsibilities that previously resided in other places. In short, the word is succinctness.

Hon. David Tkachuk: Honourable senators, I was interested in the honourable senator's comments at third reading and his concern for the safety and security of Canadians. Perhaps the honourable senator could explain to the house how the Office of the Solicitor General failed the safety and security of Canadians.

Senator Banks: Honourable senators, I do not think the Office of the Solicitor General failed or that any Solicitor General failed in matters having to do with the safety of Canadians. There may have been a case in the past where a particular Solicitor General fell short in that area, although I am not aware of any. I do not think that any such failure occurred.

Senator Cools: Honourable senators, when Senator Banks spoke at second reading he told us that the Standing Senate Committee on National Security and Defence had recommended the creation of this ministry and the rethinking of the organization of the machinery of government in respect of public safety. The honourable senator took credit for that, understandably, because it is to be considered. I believe that the report was entitled, *Canada's Coastline: The Longest Under-Defended Border in the World*. Could the honourable senator tell the Senate whether the Standing Senate Committee on National Security and Defence recommended in that report that the position of Solicitor General be jettisoned?

Senator Banks: I thank Senator Cools for her question. No, the committee did not recommend anything to do with the name of the new ministry or the name of the new minister.

Senator Cools: Honourable senators, it is my understanding from reading the report that the committee recommended an enlarged and greater respect if necessary for the officer of the Solicitor General, and I could quote material in that respect. The committee also recommended a committee of cabinet ministers, which included the Solicitor General. That was my recollection from the report.

Senator Banks: Honourable senators, I do not have the report here but the thrust of the recommendation to which the honourable senator refers was that the responsibilities ought to be removed from the various "silos" and that the reins of these matters of public safety and emergency preparedness be placed in one hand. The recommendation also stated in respect of those aspects of these responsibilities, which then existed in the Office of the Solicitor General, very junior in the order of precedence in the ministry, that they should not be in the hands of a minister at that junior level but rather in the hands of a minister at a much higher level. I believe our report said that perhaps they should even be placed in the hands of the Deputy Prime Minister, an office that has never had constitutional or legislative basis and yet exists. These matters were of such importance that they needed to be consolidated and put in the hands of a minister higher up in the ministerial hierarchy.

• (1540)

We did not, so far as I know, suggest a name for the new ministry or a name for the new minister; nor did we know at the time who the members of the ministry might be and under whose aegis this would happen.

Senator Cools: Could Senator Banks tell this chamber where the initiative came from to jettison the Office of the Solicitor General, since it very clearly did not come from his committee? Whom did it come from? Whose idea was it, and what kind of study was it based on? What kind of constitutional authority did it rest on?

Senator Banks: Honourable senators, I will assume that Parliament has some kind of constitutional authority. It is from the constitutional authority that resides in Parliament, and that is vested in Parliament, that the government derives its authority. The government, therefore empowered, decided to name a ministry and a minister in the proposed legislation before us.

Senator Cools: My recollection, honourable senators, is that the authority to constitute that minister and that ministry did not come from Parliament. My understanding is that that ministry has been in existence for the past year and was called into existence by a plethora of Orders-in-Council. Am I not correct?

Senator Banks: My understanding is that from time to time governments employ Orders-in-Council to bring about measures that they deem to be the business of government. I also believe that government must be able to govern. That is what the government has done in this case. My honourable friend cannot look for a parliamentary authority that resides in a bill that is now before us.

Senator Cools: No one is looking for it. I was looking for the authority to take the initiative. This initiative was taken over a year ago. The honourable senator seems to be forgetting that point. As a matter of fact, there are some who could argue that this bill is not necessary at all; that is what we are talking about.

The honourable senator has told us with great pride that a lot of the aspects in the creation of this ministry flow from the good work of the committee — excellent work, I believe — under the chairmanship of Senator Kenny, but no one will tell us how this other dimension, this other element, made its way into the bill. When I questioned Minister Anne McLellan, she very quickly passed me on to one of her officials. Is that not true?

Senator Rompkey: Honourable senators, I wish to point out to the chamber that we have 15 minutes left in the day, and we have some business that we really should dispense with today.

I should further like to point out that although there is a question and answer period, there clearly is a difference of opinion on this matter and there is more time for debate at another time. I would suggest that we limit the discussion on this order of business and proceed to others.

The Hon. the Speaker: Honourable senators, there are about 20 minutes left of Senator Banks' time. That is our rule. Of course, Senator Banks is the author of his own use of the time. He can choose to not take questions. In any event, he has chosen to take questions and we do have the time. I am sorry, but I do not have any means of intervening without the agreement of the Senate.

Senator Cools: No, the Senate cannot agree to that. We could do this on a point of order, but what Senator Rompkey is asking is highly out of order. He is essentially asking His Honour or senators to truncate and to end or to terminate — whichever word we want to use — Senator Banks' intervention. I believe Senator Banks had 45 minutes. In asking questions, we were merely using the proper and constitutionally allocated time.

The Hon. the Speaker: Senator Cools, I accept that. I think it is your opportunity to put your question to Senator Banks.

Senator Banks: I move adjournment of the debate for the balance of my time.

On motion of Senator Banks, debate adjourned.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, before proceeding with the Orders of the Day under Government Business, I would seek leave to call Reports of Committees so that we could deal with items that should be dealt with today.

The Hon. the Speaker: Perhaps Senator Rompkey could tell the chamber which items he wishes to be called.

Senator Rompkey: I would like to call report numbers 1, 2, 3 and 4 dealing with the Standing Senate Committee on Human Rights.

The Hon. the Speaker: Is leave granted, honourable senators, that we proceed to Reports of Committee in the order in which Senator Rompkey has referred?

Hon. Senators: Agreed.

HUMAN RIGHTS

REPORT TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Human Rights, (study on the rights and freedoms of children—extension of reporting date) presented in the Senate on February 22, 2005.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: I move adoption of the report standing in my name. The report is simply an extension of the existing mandate. It is not a new mandate. The committee is simply asking for more time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

REPORT TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ISSUES RELATED TO NATIONAL AND
INTERNATIONAL OBLIGATIONS ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Human Rights, (study on human rights obligations—extension of reporting date) presented in the Senate on February 22, 2005.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

REPORT TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT ON STUDY OF CASES
OF ALLEGED DISCRIMINATION IN HIRING AND
PROMOTION PRACTICES AND EMPLOYMENT EQUITY
FOR MINORITY GROUPS IN FEDERAL
PUBLIC SERVICE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Human Rights, (study on the Federal Public Service—extension of reporting date) presented in the Senate on February 22, 2005.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

REPORT TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT ON STUDY OF LEGAL ISSUES
AFFECTING ON-RESERVE MATRIMONIAL REAL
PROPERTY ON BREAKDOWN OF MARRIAGE OR
COMMON LAW RELATIONSHIP ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Human Rights (study on an invitation to the Minister of Indian and Northern Affairs—extension of reporting date) presented in the Senate on February 22, 2005.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk moved the adoption of the report

Motion agreed to and report adopted.

TELEFILM CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mercer, for the second reading of Bill C-18, to amend the Telefilm Canada Act and another Act.

Hon. David Tkachuk: Honourable senators, Bill C-18, to amend the Telefilm Canada Act, has been introduced almost like a housekeeping bill.

Originally established as an organization to promote the feature film industry in Canada, Telefilm Canada has spread its mandate far beyond what it was established to do. Its girth has spread into television, into audio recording and into what is known as new media.

Section 10 of the Telefilm Canada Act reads:

10. (1) The objects of the corporation are to foster and promote the development of a feature film industry in Canada...

Bill C-18 replaces this section with:

10. (1) The mandate of the Corporation is to foster and promote the development of the audio-visual industry in Canada...

In Bill C-18, the government is attempting to make a virtue out of a reality, but they do so at a rather late date. Those on the other side would have us believe that they are only reacting to the recommendation of the Auditor General that was made last November. However, as she made clear in her report, Telefilm has been expanding beyond its mandate since it was established in 1967.

Moreover, the need for catch-up legislation was first pointed out nearly 10 years ago by the Juneau commission. It stated in 1996 that the corporation's legislative framework should be broad enough to accommodate its activity.

• (1550)

I am concerned about introducing what amounts to retroactive legislation regarding Telefilm Canada. We are amending the bill to reflect what the corporation has been doing for the last 10 or 20 years without the consent of Parliament. Hence, rather than introducing a new bill to deal with a new entity that would do all of these things, which would give us an opportunity to talk about the whole subject of Telefilm Canada, the government wants to amend the act to conform with what Telefilm Canada has been doing outside the parameters of the legislation for the last 20 years.

It seems — there being no real legislative agenda in the other place to speak of — that the government is scrambling to find business, any business, to keep parliamentarians occupied. Therefore, the government introduces bills like Bill C-18, bills that formalize events that have already taken place, bills that follow events they should have preceded. This will set a precedent and this approach to legislation will become the norm rather than the exception.

We on this side will support Bill C-18, but not without commenting that it is a distraction from the real issue — that is, the value or lack thereof that Canada gets from organizations like Telefilm Canada.

As Senator Meighen so aptly put it earlier when speaking on another bill, where is the beef? Of what value is Telefilm Canada? What does it add to the life of Canadians? My own belief is that Telefilm Canada and its supporters claim far more for the

organization than they can demonstrate — which is why they invariably hang their defence of this dubious organization on the nebulous hook of cultural promotion. Judging by the words of the sponsor of this bill in the Senate, one would think Canadian culture would have all but withered and disappeared were it not for Telefilm Canada.

How does one measure the contribution that Telefilm Canada has made to our culture without knowing how Canadian culture would have fared in its absence? It is an argument of convenience, honourable senators, and one that could be made only because it is impervious to objective standards of proof.

In Telefilm Canada's 2003-04 annual report, the executive director pointed to the slowing of growth in the Canadian audiovisual industry, largely due to the popularity of domestic television programming in other countries. It has been nearly 10 years since the Juneau commission issued its mandated review of the CBC, the NFB and Telefilm Canada, and in that 10 years Telefilm Canada, a Crown corporation, by the way, has been spending money in areas for which it has no legislative mandate. It has a board of directors made up of government appointees, none of whose appointments or terms is subject to the review of Parliament.

It is time, honourable senators, that the mandate of Telefilm Canada be revisited, to see not only if Canadians are getting their money's worth now but if they have been getting their money's worth all along.

For too long, Crown corporations, as the Auditor General pointed out, have had their finances hidden from public scrutiny — and Telefilm Canada, as the House of Commons Committee on Canadian Heritage indicated in a 2003 report, is among these Crown corporations. Specifically, Telefilm Canada produced reports that did not meet the criteria and principles of either the Auditor General or the Treasury Board. The changes to the Financial Administration Act that are contemplated in Bill C-18 may take care of this, but that will be determined by the committee that receives the bill. In any event, Bill C-18 does not obviate the need for a fuller examination of Telefilm Canada and the value Canadian taxpayers are getting from an organization with a budget of some quarter of a billion dollars.

Honourable senators, sometimes mandates are rather frightening. In her rather descriptive and very supportive speech on Telefilm Canada, Senator Chaput talked about the new media fund that will be approved if this bill is passed. Under this provision, in addition to being involved in film, Telefilm Canada will be involved in the whole industry of audio, video, DVDs and everything else, and will be giving money to develop programs. Senator Chaput spoke about the new media fund being extremely beneficial to the way in which our children learn and socialize with each other and the world around them. For example, she said that since the Internet and interactive CD-ROMs are widely used in school curricula, the proposed new Canadian media fund will serve as an extremely important mechanism for Canadian content to be generated and brought to the attention of teachers and students alike, introducing Canada's youth to the extensive and dynamic array of Canadian content and presenting information from a Canadian point of view — I am sure a Canadian point of view with a board of directors made up of the Liberal Party of Canada.

A quarter of a billion dollars, honourable senators, to support, with very few exceptions — and this is statistically correct — films and television that few people watch.

The Hon. the Speaker: No other honourable senator rising, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Chaput, bill referred to the Standing Senate Committee on Transport and Communications.

ANTI-TERRORISM ACT

SPECIAL COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. John Lynch-Staunton, for Senator Fairbairn, pursuant to notice of February 22, 2005, moved:

That pursuant to rule 95(3)(a), the Special Senate Committee on the Anti-terrorism Act be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week.

He said: Honourable senators, this motion is intended to give the Special Senate Committee on the Anti-terrorism Act the right to sit while the Senate is not sitting, that is, during adjournment weeks. There are two such weeks coming up. We are not intending to sit next week, but we would like to sit during the second adjournment. We are currently sitting on Mondays and we do not want to disrupt schedules that are already fixed during the rest of the week. If we can have authority to sit on those days when the Senate is not sitting, it would accelerate the work of the committee, which must report, and, it is hoped, will report, before the end of this year. The more we can get done by June, the less will have to be done, if necessary, when the Senate resumes in the fall.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, February 24, 2005, at 1:30 p.m.

CONTENTS

Wednesday, February 23, 2005

PAGE	PAGE
SENATORS' STATEMENTS	Finance
Black History Month	Budget 2005—Release of Possible Confidential Information to <i>National Post</i> 780
Hon. Noël A. Kinsella 775	Hon. David Tkachuk 780
Radio-Canada	Hon. Jack Austin 780
Reduction in Programming of <i>Zone Libre</i> 775	Delayed Answer to Oral Question
Hon. Jean Lapointe 775	Hon. Bill Rompkey 781
Nature Conservancy Association of Canada	Foreign Affairs
Nova Scotia—Queens County—	Arts Promotion Program—Cuts to Funding.
Three New Protected Wilderness Areas.	Question by Senator Carney.
Hon. Donald H. Oliver 775	Hon. Bill Rompkey (Delayed Answer) 781
Citizenship and Immigration	Point of Order
Temporary Work Permit Program For Exotic Dancers.	Speaker's Ruling.
Hon. Lucie Pépin 776	The Hon. the Speaker 781
Foreign Affairs	Bill to Change Boundaries of Acadie—Bathurst and Miramichi
Election in Zimbabwe.	Electoral Districts (Bill C-36)
Hon. A. Raynell Andreychuk 776	Third Reading.
	Hon. Rose-Marie Losier-Cool 783
	Hon. Noël A. Kinsella 783
	Hon. Lise Bacon 784
	Hon. Serge Joyal 784
	Department of Public Safety and Emergency Preparedness Bill
	(Bill C-6)
	Third Reading—Debate Adjourned.
	Hon. Tommy Banks 784
	Point of Order.
	Hon. Anne C. Cools 785
	The Hon. the Speaker 786
	Hon. Bill Rompkey 787
	Hon. Noël Kinsella 787
	Hon. Tommy Banks 788
	Hon. David Tkachuk 791
	Business of the Senate
	Hon. Bill Rompkey 792
	Human Rights
	Report to Authorize Committee to Extend Date of Final Report
	on Study of International Obligations Regarding Children's Rights
	and Freedoms Adopted.
	Hon. A. Raynell Andreychuk 792
	Report to Authorize Committee to Extend Date of Final Report
	on Study of Issues Related to National and International
	Obligations Adopted.
	Hon. A. Raynell Andreychuk 793
	Report to Authorize Committee to Extend Date of Final Report
	on Study of Cases of Alleged Discrimination in Hiring and
	Promotion Practices and Employment Equity for Minority
	Groups in Federal Public Service Adopted.
	Hon. A. Raynell Andreychuk 793
	Report to Authorize Committee to Extend Date of Final Report
	on Study of Legal Issues Affecting On-reserve Matrimonial Real
	Property on Breakdown of Marriage or Common Law
	Relationship Adopted.
	Hon. A. Raynell Andreychuk 793
	Telefilm Canada Act (Bill C-18)
	Bill to Amend—Second Reading.
	Hon. David Tkachuk 793
	Referred to Committee 794
	Anti-terrorism Act
	Special Committee Authorized to Meet During Adjournment
	of the Senate.
	Hon. John Lynch-Staunton 794
	Referred to Committee 794
ROUTINE PROCEEDINGS	
Canada Transportation Act (Bill S-6)	
Bill to Amend—Second Reading—Documents Tabled.	
Hon. Tommy Banks 777	
Hon. Terry Stratton 777	
Study on Operation of Official Languages Act	
and Relevant Regulations, Directives and Reports	
Report of Official Languages Committee Tabled.	
Hon. Eymard G. Corbin 777	
National Security and Defence	
Budget and Authorization to Engage Services—	
Report of Committee on Study of Veterans' Services and Benefits,	
Commemorative Activities and Charter Presented.	
Hon. Michael A. Meighen 777	
The Senate	
Notice of Motion to Authorize Certain Select Committees and	
the Special Committee to Meet During Adjournment of the Senate.	
Hon. Bill Rompkey 778	
Social Affairs, Science and Technology	
Committee Authorized to Meet During Sitting of the Senate.	
Hon. Michael Kirby 778	
Hon. Terry Stratton 778	
QUESTION PERIOD	
National Defence	
United States—Participation in Missile Defence Program.	
Hon. Noël A. Kinsella 778	
Hon. Jack Austin 778	
Human Resources and Skills Development	
Employment Insurance Program—Report of House of Commons	
Subcommittee—Restoration of Integrity.	
Hon. Terry Stratton 779	
Hon. Jack Austin 779	
Veterans Affairs	
Denial of Annuities—Case of Clifton Wenzel.	
Hon. Michael A. Meighen 779	
Hon. Jack Austin 780	
Public Works and Government Services	
Purchase of JDS Uniphase Complex.	
Hon. J. Michael Forrestall 780	
Hon. Jack Austin 780	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA

Debates of the Senate

1st SESSION

•

38th PARLIAMENT

•

VOLUME 142

•

NUMBER 40

OFFICIAL REPORT
(HANSARD)

Thursday, February 24, 2005

—

THE HONOURABLE DANIEL HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, February 24, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding with our business, I should like to draw your attention to the presence in our gallery of His Excellency Anton Thalmann, Ambassador of Switzerland to Canada and the Bahamas. He is the guest of the Honourable Senator Ferretti Barth.

Welcome to the Senate.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 23, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 24th day of February, 2005 at 11:02 a.m.

Yours sincerely,

Curtis Barlow
for Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, February 24, 2005

An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts (*Bill C-7, Chapter 2, 2005*)

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (*Bill C-4, Chapter 3, 2005*)

An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich (*Bill C-302, Chapter 4, 2005*)

An Act to change the name of the electoral district of Battle River (*Bill C-304, Chapter 5, 2005*)

An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts (*Bill C-36, Chapter 6, 2005*)

[English]

SENATORS' STATEMENTS

THE HONOURABLE VIVIENNE POY

CONGRATULATIONS ON RECEIVING DISTINGUISHED ALUMNI AWARD FROM SENECA COLLEGE OF APPLIED ARTS AND TECHNOLOGY

Hon. Rose-Marie Losier-Cool: Honourable senators, I rise today to congratulate Senator Vivienne Poy on receiving a distinguished alumni award from one of her alma maters, Toronto's Seneca College of Applied Arts and Technology. This college, established in 1966, is the largest institution of its kind in Canada, offering some 260 programs to over 100,000 students in 11 campus locations.

We are all quite aware of our colleague's reputation as a member of our chamber, where she champions issues relating to human rights, gender equity and multiculturalism. She is also a respected entrepreneur, author, historian, community activist and fashion designer. Not everyone here may know this, but she is also an avid gardener.

Senator Poy graduated in fashion arts from Seneca in 1981. On March 10, she will receive the Premier's Award at a gala dinner at the Hilton Suites in Markham. This award consists of a plaque and \$1,000 bursary that Senator Poy will donate to the Seneca College faculty, school or program of her choice.

In closing, allow me a short quote from Seneca's Alumni Association:

Vivienne's exemplary corporate citizenship and tremendous personal and professional accomplishments have made her a role model for all college students and alumni. Her commitment to so many aspects of Canadian life has made her a role model to all Canadians.

Congratulations, Senator Poy.

Hon. Senators: Hear, hear!

THE LATE TOM PATTERSON, O. ONT., O.C.

Hon. Michael A. Meighen: Honourable senators, I rise today to pay tribute and to celebrate the life of a true Canadian pioneer, Tom Patterson, who passed away yesterday after a lengthy illness.

As Stratford Festival Artistic Director Richard Monette so simply and aptly put it: "Without Tom Patterson there would be no Stratford Festival." Tom Patterson was its founder, the driving force behind its birth and subsequent development into one of the finest theatrical festivals in the world today.

• (1340)

Tom Patterson was a man of vision in the truest sense. With the end of the railway era, he was determined to ensure the survival and growth of his town of Stratford, but for that to happen, a Shakespearean theatre company had to be formed. As Tom himself put it, "I knew the festival was going to happen because I was going to make it happen."

The story goes that back in 1952, Mr. Patterson appeared before the Stratford town council to request \$100 to go to New York so he could discuss his dream with Sir Laurence Olivier. One member of the council offered to increase his grant to \$120, and eventually Tom was sent off with \$125 to go to New York to convince Olivier to appear.

While this mission failed, he eventually persuaded Tyrone Guthrie to assume the position of artistic director. Having secured Mr. Guthrie, Alec Guinness, Irene Worth and the renowned theatre designer Tanya Moiseiwitsch were then persuaded to come on board and the Stratford Festival of Canada opened in July 1953 with productions of *Richard III* and *All is Well that Ends Well*. The rest, as they say, is history. In the words of the American poet Ralph Waldo Emerson: "He builded it better than he knew — the conscious stone to beauty grew."

Tom Patterson served the festival as general manager and worked in various capacities until his retirement in 1967. He was at the centre of a host of cultural innovations in Canada. He was founding director of the Canadian Theatre Centre, founding president of the National Theatre School of Canada, co-founder of the touring company Canadian Players and founder of the Dawson City Gold Rush Festival.

His dedication to Stratford and to the arts in Canada brought him many awards: the Order of Canada, Canadian Centennial Medal, the Queen Elizabeth Silver Jubilee Medal, the Order of Ontario, and honorary degrees from the University of Toronto and the University of Western Ontario. His hometown of Stratford has honoured his life's contributions by naming its third theatrical stage the Tom Patterson Theatre, as well as naming an island in the Avon River after him in 2002.

So fond are the patrons of the Stratford Festival of its founding father that at the inaugural performance marking the festival's fiftieth year the loudest applause was received not by the actors, but by Mr. Patterson, who appeared on stage weak, frail and in a wheelchair, but still with the heart and soul of a visionary, without whose dreams and hard work the Stratford Festival would never have been born.

I last spoke to Tom just over a year ago in the Veterans Wing of Sunnybrook Hospital. His interest and pride in the festival was undiminished, and he rejoiced that from humble beginnings in a tent some 53 years ago, the festival has grown to the extent that it now has a budget of over \$52 million, performs on four stages, employs some 900 people on an annual basis, and attracts almost 600,000 patrons from across Canada and the United States.

As Hamlet said:

He was a man, take him for all in all; I shall not look upon his like again.

Our sympathies go to his wife, Pat, his sons, Bob, Tim and Lyle Scott, and his daughter, Lucy Ann, as well as to everyone in his extended theatre family.

VISIT TO CROATIA

Hon. Francis William Mahovlich: Honourable senators, I rise today to talk about my trip to the Republic of Croatia from which I have just returned. The purpose of this visit was to represent Canada at the inauguration of Stjepan Mesic as Croatia's president, as well as to help with Canadian-Croatian diplomacy. This trip, without a doubt, was a success.

I was fortunate to meet many fine people in Croatia, such as Canadian Ambassador Stefanie Beck and Counsellor and Consul Sven Jurschewsky, as well as the representatives of various European countries, such as Ukrainian President Viktor Yushchenko.

I had a meeting with the Chairman of the Sabor's Foreign Affairs Committee, Gordon Jandrokovic, where we discussed Canadian-Croatian relations and how to improve them. I also met members of the Croatian Hockey Association, as well as other sports representatives, and we discussed the need for more hockey arenas in their country. Canadian expertise in ice-making is a world leader and could help with the manufacturing of ice in Croatia.

During my week in Croatia, I was able to get a firsthand glimpse of the life that many Croatians live on a daily basis. One experience that particularly touched me was seeing how the vast minefields that still exist affect the lives and living conditions of the people who live around them. I was also moved by the refugee camps and the atrocious conditions that these people must face every day.

This trip was of personal significance for me because my parents immigrated to Canada from Croatia in the 1930s. I was fortunate enough to visit my parent's hometown of Gornji Ostric. This was a memorable experience, and I wish to thank all those in Croatia for their wonderful hospitality. I also wish to thank Pierre Pettigrew and the Department of Foreign Affairs for allowing me this opportunity. I will continue to work on Canadian-Croatian relations and I plan to have meetings with the Canadian Ministry of Foreign Affairs to help solve some of the concerns of the Croats.

Honourable senators, I would like to give you one piece of interesting trivia that many of you may not know: Cravats, or neckties, originated in Croatia. To quote the British historian Norman Davies:

...people who negate the influence of Europe's "smaller nations" should remember that the Croats hold us all by the neck.

THE STANLEY CUP

POSSIBLE AWARDED TO WINNERS OF NATIONAL WOMEN'S HOCKEY LEAGUE

Hon. Lorna Milne: Honourable senators, Senator Mahovlich is always a hard act to follow. I intend to talk about the Stanley Cup.

Earlier this week Governor General Adrienne Clarkson mused that in light of the breakdown of the negotiations between the NHL and the NHL Players Association, the Stanley Cup should be awarded to the best women's hockey team in Canada. I could not agree with her more.

In fact, I would go so far as to suggest that the Stanley Cup should be awarded to the NWHL champion team that will be crowned in Brampton on March 25. For the last five seasons, my hometown of Brampton has played host to the NWHL championship series, and I have no doubt that the champions of that league are deserving of the Stanley Cup.

Women's hockey in Canada has grown exponentially over the last number of years for many reasons. Gold medal status at the Olympic Games and increased TV exposure for the women is part of the reason. Several of the top players on the gold medal team trained in Brampton. The main reason is the increased skill of Canada's women. Anyone who has watched the NWHL or has seen Canada's national team on ice will tell you that these women play with expertise, heart, dedication and for the love of the game. They are outstanding role models for boys and girls across the country.

For Canadians, nothing symbolizes excellence better than the Stanley Cup. No sports award or trophy is closer to the heart and psyche than Lord Stanley's cup. For most Canadians, part of our pride and sense of accomplishment is wrapped up in the game of hockey. I have never been accused of being a hockey nut, certainly not by my husband, but I was in the stands in Salt Lake City in February 2002 when Canada's men's team brought home gold for the first time since 1956. Despite all of our differences, on that day all 31 million of us were truly proud Canadians. For a generation of young Canadians, true heroes were born when both our men's and women's teams won gold.

Now we have a unique opportunity. The NHL will not be exercising its right to award the Stanley Cup and a newer breed of heroes can take their proper place — female heroes. The 1947 agreement between the trustees of the Stanley Cup and the NHL states that:

In the event of the dissolution or other termination of the National Hockey League, the Stanley Cup shall revert to the custody of the trustees.

Although we do not have a dissolution, we certainly have a termination of NHL play. This termination may be short term, but play has stopped nonetheless. Legal control of the cup should revert to the trustees, and they should decide now what to do with it.

• (1350)

The NHL players have decided that \$1.3 million annually is not enough money to be our heroes for a year, their empty vaults being much bigger than their hearts or their love of the game. Canadians get it. The NHL is a business, and negotiations take time.

The Stanley cup is about heroes, and I can think of none better than this generation of Canadian women hockey players who play for the love of the game. I call upon the trustees of Lord Stanley's cup to award the cup to the NWHL champion or to whichever team of women hockey players they feel is most deserving of being our heroes this winter.

ROUTINE PROCEEDINGS

BUDGET 2005

DOCUMENTS TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the budget documents for 2005.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE ON STUDY OF STATE OF HEALTH CARE SYSTEM PRESENTED

Hon. Joan Cook, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, February 24, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, October 7, 2004 to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002 and in particular was authorized to examine issues concerning mental health and mental illness.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MICHAEL KIRBY
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 512.)

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Cook, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chairman of the Standing Committee on Internal Economy, Budgets and Administration presented the following report:

Thursday, February 24, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FOURTH REPORT

Your Committee has approved the Senate Estimates for the fiscal year 2005-2006 and recommends their adoption. Your Committee notes that the proposed total budget is \$80,605,450.

Your committee also notes that the following policy and program changes are reflected in this budget:

A special fund has been created to meet exceptional funding needs for Senators' special circumstances.

The policy allowing transfers between Senators' Research and Office Expenses budgets has been eliminated.

A chargeback program has been approved for printing and duplication services, messenger services, trades services, and postal services, not covered by franking privileges.

The dollar limit for purchases which Senators can make directly from suppliers has been increased from \$250 to \$2,500.

A change to the *Senator's 64 Points Travel Policy* has been approved such that meals and incidentals will be reimbursed on the basis of per diems rather than upon submission of receipts.

All relevant policies and sections of the *Senate Administrative Rules* will be amended to reflect these changes. The effective date of each change will be determined by your committee over the next few months and Senators will be notified accordingly.

An overview of the 2005-2006 budget will be forwarded to every Senator's office.

Respectfully submitted,

GEORGE J. FUREY
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 522.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, February 24, 2005

The Standing Senate Committee on National Security and Defence has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 20, 2004, to examine and report on the national security policy for Canada, respectfully requests the approval of funds for fiscal year 2005-2006.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 525.)

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTER-PARLIAMENTARY UNION

ONE-HUNDRED AND ELEVENTH ASSEMBLY,
SEPTEMBER 28-OCTOBER 1, 2004—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian Group of the Inter-Parliamentary Union respecting its participation at the One-hundred and Eleventh Assembly and Related Meetings of the Inter-Parliamentary Union held in Geneva, Switzerland, from September 28 to October 1, 2004.

THE SENATE

NOTICE OF MOTION TO AMEND RULE 32—
SPEAKING IN THE SENATE

Hon. Eymard G. Corbin: Honourable senators, I give notice that two days hence I will move:

That the *Rules of the Senate* be amended by replacing Rule 32 with the following:

32. (1) A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

(2) Any Senator who speaks in the Senate shall do so in one of the official languages.

(3) Notwithstanding subsection (2), a Senator desiring to address the Senate in Inuktitut shall so inform the Clerk of the Senate at least four hours before the start of that sitting of the Senate.

(4) The Clerk of the Senate shall make the necessary arrangements to provide interpretation of remarks made in Inuktitut into the two official languages.

(5) Remarks made in Inuktitut shall be published in the *Debates of the Senate* in the two official languages, with a note in the *Journals of the Senate* explaining that they were delivered in Inuktitut.

BUDGET 2005

NOTICE OF INQUIRY

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I give notice that on Tuesday, March 8, 2005, I shall call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.

HEALTH

TREATMENT OF AUTISM—
PRESENTATION OF PETITION

Hon. Mac Harb: Honourable senators, I have the honour to present a petition on behalf of the Autism Society and its supporters calling on Parliament to amend the Canada Health Act and corresponding regulations to include IBI/ABA people with autism as a medically necessary treatment and require that all provinces provide or fund this essential treatment for autism;

as well, they are calling for the creation of chairs at universities in each of the provinces to do studies and research on the matter.

In addition, there are 4,200 electronically signed petitions. It is my belief that they cannot be officially tabled. Nonetheless, I should like to draw the attention of the Senate to those petitions.

• (1400)

QUESTION PERIOD

HEALTH

COX-2 INHIBITORS—PUBLIC HEARINGS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the Drug Safety Advisory Panel for the U.S. Food and Drug Administration recommended the continued use of Celebrex, Vioxx, and Bextra with some stringent conditions. Health Canada will soon begin its own review of these drugs, but there has been some confusion as to whether its deliberations will be as open to the public as they were in the United States. The Minister of Health said last week that Health Canada would not necessarily have public hearings, but that they would be held “in a public fashion.”

Could the Leader of the Government in the Senate please clarify for us what form of Health Canada hearings will take place and how open they will be?

Hon. Jack Austin (Leader of the Government): Honourable senators, on February 15, 2005, the FDA announced the creation of a new independent drug safety oversight board to oversee the management of drug safety issues and information. Health Canada has been directed by the minister to present options for a permanent drug safety monitoring board that will encourage public input in the regulatory decision-making processes. Health Canada is now developing options for a drug safety monitoring board that will be based on international best practices from comparable regulatory agencies in developing its options.

COX-2 INHIBITORS—REQUEST FOR DATA
ON CLINICAL TRIALS

Hon. Donald H. Oliver: Honourable senators, last November, Health Canada requested that Merck, the maker of Vioxx, provide the department with its full research data on the clinical trial that led to the drug's withdrawal from the marketplace last fall. On the weekend, the *National Post* reported that three months after this request was made, Health Canada has still not received this information.

Could the Leader of the Government in the Senate tell us if Health Canada will have to delay its review of Cox-2 inhibitors if it does not soon receive this information?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question directs itself to the authority of Health Canada to require this information, and I am advised that once a drug has been approved for distribution in Canada, Health Canada is without the authority to demand further information with respect to trials. However, as to the balance of the question, I will have to be further advised by Health Canada.

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF JDS UNIPHASE COMPLEX

Hon. Jack Austin (Leader of the Government): Honourable senators, yesterday Senator Forrestall asked me whether the JDS Uniphase complex had been leased or purchased for use by the RCMP. I informed this chamber that Public Works and Government Services has not leased or purchased the JDS Uniphase complex. After giving the answer, I asked for further information. The answer is absolutely correct. Public Works is not involved in any way with respect to the JDS Uniphase complex and would need to be involved if the government were to enter into any arrangement to lease or purchase. Nonetheless, Senator Forrestall has his usual excellent sources of information, and the RCMP has begun some inquiries as to whether the JDS Uniphase complex might be suitable to them. However, that is at a very early stage.

FINANCE

BUDGET 2005—RELEASE OF POSSIBLE CONFIDENTIAL INFORMATION TO *NATIONAL POST*

Hon. David Tkachuk: Honourable senators, yesterday I asked the Leader of the Government in the Senate about possible budget leaks to the *National Post* in advance of the budget actually being announced. I told him that I would be listening closely to that speech, and I did. I am sure that the leader has a copy of that February 25 Anne Dawson article by now.

The Minister of Finance announced that Canada would record its eighth consecutive balanced budget, the longest unbroken string of surpluses since Confederation. In her *National Post* article, Anne Dawson wrote: "It will be the eighth balanced budget in a row, something never before accomplished."

The minister announced an increase in the basic personal exemption of \$10,000, the same figure that Ms. Dawson quoted in her article.

Ms. Dawson wrote that there would be \$600 million in new spending for cities. Mr. Goodale announced an increase from the \$400 million previously announced to — surprise — \$600 million.

Ms. Dawson wrote that National Defence would be injected with over \$12 billion and that \$2.5 billion of that would be directed specifically at purchasing new helicopters. The budget calls for \$12.8 billion for the military over five years and uses the \$2.5 billion figure when referring to helicopters and other equipment.

These are only a few of the remarkable similarities between Ms. Dawson's figures and figures used in the budget speech. The Leader of the Government will find others, I am sure, if he goes through the article and has his people check it with the actual budget speech delivered by Mr. Goodale yesterday.

On the basis of these and other similarities, would the Leader of the Government agree to launch an investigation into whether the budget was leaked prior to it being announced, or possibly the whole budget given to a reporter or a source?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information to provide to Senator Tkachuk or others with respect to the Anne Dawson story that appeared yesterday in the *National Post* and which I have now read, and I have no factual basis to speculate on that story. Therefore, it is not my intention to initiate an inquiry, and I do not have the intention of raising the matter with the Governor-in-Council.

Senator Tkachuk: Honourable senators, the Leader of the Government has said twice now, yesterday and once today, that I was speculating. I am a little upset about that, because I am not speculating. Here is the budget, and here is the article by Anne Dawson. The similarities are incredible.

Speculation happens when people have advance copies of the budget. In the budget yesterday, the 30 per cent foreign limit on RRSPs was eliminated. That caused a drop in the dollar of almost a penny while the speech was being delivered. It is advantageous to currency speculators to know what is in the budget. This is a serious matter, and I am not here speculating. I am raising a very serious issue.

These things did happen, and if people had copies of that budget and were smart enough to know what it meant, they could easily take advantage of what was in it.

Sources were cited in newspapers clear across the country before this budget such as I have never seen before, and this particular source was extremely accurate. People can read it for themselves, and they should. I am asking the Leader of the Government to take the matter seriously, because I am asking about it in a serious way.

Senator Austin: Honourable senators, when I referred to speculation, I was referring to the speculation of Senator Tkachuk yesterday when he used names and suggested — and the better word is probably "speculated" — on a relationship that might give rise to insider information.

• (1410)

Honourable senators, I have no evidence that that relationship is responsible for a leak of the budget. As well, Senator Tkachuk has revealed no information to this place as to who may have taken steps to leak the budget, if indeed anyone did so. Honourable senators, without a charge being made, there is certainly no basis to consider an inquiry, and the government would not consider sending the RCMP on a fishing expedition.

Senator Tkachuk: Honourable senators, I have laid evidence before the chamber, and the people of Canada have seen the evidence in the newspaper article and in the budget. I do not know how much more evidence the honourable leader requires, other than Anne Dawson waving the budget on television in front of

him, perhaps. The government leader said that he would not investigate my question of yesterday about the relationship between Mr. Ferguson, Director General, House of Commons, Liberal Caucus Research Bureau and Ms. Anne Dawson. However, the government leader claims there was no evidence and so he must have looked into it.

Therefore, I would ask the honourable leader again to explain how Mr. Ferguson is no longer a possible source of this budget leak and how Ms. Dawson could have such accurate details of a budget that should have been reported for the first time to Canadians at four o'clock in the afternoon, not at six o'clock in the morning.

Senator Austin: Honourable senators, evidence is not speculation. Evidence is a knowledge that can be brought forward as to the conduct of an individual, and there is no such evidence with respect to any individual that Senator Tkachuk has mentioned. In yesterday's questioning, I sensed a suggestion of impropriety between two people who, I have since learned, are married. There can be no suggestion of impropriety for that very reason. Each is a professional, with professional duties, and each is subject to sanctions. Hence, when professionals are a couple, it is assumed that each will proceed according to their professional responsibilities and duties. I would not speculate without evidence that that did not take place. As well, it is inappropriate to invade the privacy of people for reasons of a fishing expedition.

It has always been the tradition in this chamber and in the House of Commons that specific evidence is alleged as to the conduct of specific people. Without that, I do not see the basis on which the government would start an inquiry. It is always possible to draw the matter to the attention of the RCMP so that it may determine what actions might be warranted.

Senator Tkachuk: Yesterday, the government leader said that he did not know Ms. Dawson or Mr. Ferguson, that he would not follow up on the relationship and that I should follow it up. The government leader is now telling the chamber that he did follow it up and found out that Ms. Dawson and Mr. Ferguson are married, two people of whom the leader said he had no knowledge. Did the government leader ask the question about whether anyone had information and whether that information was given to Ms. Dawson?

Senator Austin: Honourable senators, the information I gave the chamber was correct. I did not know them yesterday, and I do not know them today. However, I made inquiries with respect to the honourable senator's question. I would not be showing proper respect for his question had I not taken it seriously and made inquiries. I was informed that Ms. Dawson and Mr. Ferguson were married; however beyond that, I have no further issue to play out with Senator Tkachuk, unless he has something specific to add.

If Senator Tkachuk wants to make a charge that the husband happened to leave a copy of the budget in his desk and that his wife happened to see it, then there may be something to make an inquiry about. However, these are professionals and the onus is that they have behaved professionally.

[Translation]

BUDGET 2005— FISCAL IMBALANCE BETWEEN PROVINCES

Hon. Donald H. Nolin: Honourable senators, yesterday we learned once again that the federal government is literally swimming, and dare I say, excessively so, in budgetary surpluses while many provinces are having an awful time trying to balance their books without seriously compromising the quality of the services that they provide to their citizens.

Rather than acknowledge this grave problem, the Liberal government, in addition to profoundly changing the nature of the equalization program, has gone back on the amendment to the Speech from the Throne adopted by the other place last October 20, which moved, and I quote from the text of the Speech from the Throne adopted by the other chamber:

... that all measures ...fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated.

Thumbing its nose at this important amendment, the Liberal government yesterday announced a series of measures in areas of provincial jurisdiction. However, in 1957, former Prime Minister Pierre Elliott Trudeau had already denounced that practice when he wrote:

If a government had such an excess of revenue that it undertook to ensure the part of the common good that fell outside its jurisdiction, the presumption arises that that government had taken more than its share of taxable capacity.

With that perspective, my question to the Honourable Senator Austin is very simple: why will his government not respect the amendment to the Speech from the Throne? Why does it not acknowledge the existence of a significant fiscal imbalance in Canada?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I am quite mystified by the thrust of Senator Nolin's question. The government has respected, in every way I know, the jurisdiction of the provinces and the jurisdiction of Quebec. The government has also transferred substantial funds to the provinces, including the Province of Quebec, a transfer that is part of the federal-provincial agreement with respect to health. Quebec has its own bilateral arrangement with respect to the transfer of funds. Quebec is the recipient of a substantially larger sum under the equalization program than was the case with the equalization formula. The federal government altered that formula to the advantage of the provinces, without negotiation. The province has a long list of advantages stemming from yesterday's budget, in the areas of gas tax revenue, economic development, community futures, the Canadian Agricultural Income Stabilization program, agricultural cash advances, New Horizons, Tomorrow Starts Today, the Canadian Space Agency, which is located in the province of Quebec, Genome Canada research in Quebec, the Ocean Action Plan, et cetera.

Honourable senators, I had an exchange with Senator Rivest about the fiscal deficit. I said then and I say now that there is no conceptual basis for that argument. I pointed out at that time that the federal debt is larger than the collective debt of the provinces. People on the other side have argued that debt reduction should be a priority of the federal government. I welcome the reaction of the Leader of the Official Opposition in the other place who saw this budget as moving in the right direction. I may disagree with him as to whether this is moving in a Conservative direction or a Liberal direction, but at least there seems to be some recognition of the value of this budget.

• (1420)

[Translation]

BUDGET 2005—QUEBEC— OPTING OUT OF NATIONAL CHILD CARE PROGRAM

Hon. Pierre Claude Nolin: Honourable senators, yesterday's budget announced more than \$5 billion over a period of five years for the development of a national child care initiative. If you are looking for an example of provincial jurisdiction, here is one.

Considering that Quebec is not taking part in the negotiations on this file because it already has its own child care program, can the Leader of the Government in the Senate confirm to us that, on this initiative, the federal government will allow Quebec to opt out with full financial compensation?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, the specific answer is that the issue is being negotiated between the Province of Quebec and the federal government, and it is being negotiated at the same time as negotiations with other provinces with respect to the daycare issue.

As Senator Nolin knows, the Minister of Social Development, the Honourable Ken Dryden, has met with all of his provincial colleagues. They wisely chose Vancouver as the venue for that meeting. It was said that agreement in principle with respect to the program was achieved, but that there remained discussions regarding the more specific nature of those agreements.

Honourable senators, Quebec does have, and I acknowledge it, the best child-care program in Canada. I have two grandchildren who have benefited from that program. They live in the City of Montreal, so I am a little more familiar with it than perhaps one might think. Normally, in federal-provincial discussions, so long as the funds are used in the general policy area of their purpose, the provinces have a fairly wide discretion as to how to employ those funds.

Senator Nolin: So the answer is no.

[Translation]

BUDGET 2005— RENEWAL OF CANADA-COMMUNITY AGREEMENTS

Hon. Pierre Claude Nolin: Honourable senators, for a number of weeks, francophone communities outside Quebec have been hoping that the federal government would announce the renewal of the Canada-Community Agreements for a five-year period. These agreements are important because they affect the cultural and community development of francophones who live outside the province of Quebec. The most recent agreements of this kind were negotiated in 1999 for a five-year period, until March 2004, for an overall amount of nearly \$25 million.

According to our information, a year later, the Minister of Canadian Heritage has still not begun negotiations to renew these agreements. This situation is unacceptable because the Dion plan that was introduced by your own government in 2003 provided for an additional amount of \$19 million for the Canada-Community Agreements. Having presented itself as the great defender of language rights in the last election, what is your government doing?

Because of your inaction on this matter, four francophone community radio stations are now threatened with having to close if these agreements are not renewed quickly.

Why were francophone communities overlooked in the budget? Can you also tell us the current status of the negotiations to renew these agreements and/or simply tell us whether the negotiations have begun?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, first, the correct interpretation of my answer to the previous question is not "no," but "not yet decided."

Second, with respect to the direct question, I will look into the specific question and the specific program. Something in the nature of over 1,000 programs were announced in the budget, and I will determine whether the program mentioned by Senator Nolin is there. If it is not, I will look for it in the continuing program category. If I do not find it there, then I will make specific inquiries.

NATIONAL DEFENCE

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE PROGRAM—POSSIBILITY OF DEBATE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators will recall that last fall this chamber voted to amend the Speech from the Throne. Paragraph five of that amendment read as following:

with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision.

[Senator Austin]

Honourable senators, this was the will of this chamber. Indeed, it was the will of the other chamber, where a similar amendment was adopted. The address in reply was delivered to Her Excellency as late as last week containing this expression of the will of Parliament. Clearly, the announcement today of the Prime Minister and the Minister of Foreign Affairs that the government has taken a decision that this country will not participate in the ballistic missile defence system seems to totally ignore that will. It may be a good decision in the opinion of some, but the critical issue is that the will of this house has been completely ignored. I believe my remarks would be supported by all members on both sides of the house, excluding the honourable member.

My question to the Leader of the Government is: Why did the government violate the will of Parliament and not allow a debate and vote on this issue prior to taking the decision?

Hon. Jack Austin (Leader of the Government): Honourable senators, my interpretation of the vote was that it was based on a concern that we would enter into an agreement with the United States with respect to ballistic missile defence and where that could lead, that is, the weaponization of space. My thought was that, if such a step were to be taken, it should have the support of Parliament. However, as such a step is not being taken and the government has decided not to enter into arrangements with respect to the United States ballistic missile defence program at this time, it would appear that the implied will of the house has been met.

Senator Kinsella: If that was the position of the government, then it is indeed more disappointing. The fact of the matter is that the government has ignored Parliament and eliminated the opportunity of parliamentarians in both places to lend their views to the pros and cons of a public policy matter that will have far-reaching consequences for all Canadians. Why does the government hold in such disdain the role of Parliament when, in the minds of most parliamentarians, it was a clear understanding and expression of that understanding that there be no decision taken until Parliament had had a fulsome debate on the matter?

Senator Austin: Honourable senators, the situation that led to the decision is one in which the government came to a clear appraisal of the correct course of action. It is the responsibility of the government to govern, to take responsibility for its decisions, and submit them for the approval of the people of Canada.

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE PROGRAM—REQUEST FOR DOCUMENTS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I simply ask if the minister will table in this house the documents on ballistic defence missiles upon which the government based this decision, a decision about which it did not bother to consult Parliament.

• (1430)

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Kinsella knows as well as anyone in this house that documents prepared for the decision of the government, cabinet documents and reports that are part of the cabinet process, are not made available for 30 years. Perhaps Senator Kinsella can examine those documents at that time.

Senator Kinsella: Honourable senators, perhaps the government leader could represent the position of the government by providing an explication in a clear manner so at least the honourable members of this house can understand what the principles were that underlined the decision that was taken. As we find ourselves situated presently, there was no debate, notwithstanding that one was expected prior to the decision. If the documents that constitute the preparation for the cabinet decision are not available for 30 years, at least the Canadian people and this house have a right to know the public policy principles upon which this decision was based.

Senator Austin: Honourable senators, if it is agreeable to the chamber, I would very happily read into the Senate record the presentation of the Minister of Foreign Affairs in the other place explaining the government's decision. Do I have leave to do so?

Senator Mercer: That would be good.

Senator Austin: Honourable senators, I am quoting from the minister in the other House — which is in accordance with our rules.

The Hon. the Speaker: Honourable senators, I should point out that Question Period has less than a minute left. Do honourable senators still wish Senator Austin to proceed?

Senator Austin: Maybe the Leader of the Opposition will read today's Hansard from the other place. I will not continue with reading.

BUDGET 2005—FUNDING OF RESERVES

Hon. J. Michael Forrestall: Honourable senators, the minister will now understand why I did not pursue it and why I should point out to him today that the question in front of me was not intended to pursue what I believed at the time to have been a mistake. I will pursue the question of the RCMP at a later date. This has to do with where the monies are coming from to support the reserves.

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate notice given by Senator Forrestall. I will make inquiries.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer in response to an oral question raised in the Senate on February 17 by Senator St. Germain, regarding the reopening of the U.S. border on March 7, 2005.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE FARMERS

(Response to question raised by Hon. Gerry St. Germain on February 17, 2005)

As the Honourable Senator is aware, the United States Department of Agriculture published the US BSE minimal risk rule on January 4, 2005. When implemented on March 7, this rule will provide significantly improved access for Canadian exports of cattle and beef. On that date, Canada will re-gain access for live cattle under 30 months of age for slaughter, as well as virtually all products from these cattle. On March 7, trade will also be able to resume in live sheep and goats under 12 months of age for slaughter and meat products from those animals.

In addition, when US Secretary of Agriculture Mike Johanns met with Minister Mitchell on February 9, 2005, he committed to the consideration and development of a plan to allow imports of animals 30 months of age or older for slaughter and meat from those animals as the next step in resuming full trade with Canada.

There are two possible issues that could affect the March 7 re-opening of the border. The rule remains subject to Congressional review, and the Ranchers-Cattlemen Action Legal Fund (R-CALF) has initiated a lawsuit seeking a continuance of the border closure.

The US *Congressional Review Act* provides for a 60 legislative-day review of rules, such as the BSE minimal risk rule, that are deemed "major". During this review period, Congress can vote to disapprove the rule. On February 10, 2005, ten US Senators introduced a resolution of disapproval of the rule. In order to keep the rule from going into effect, the resolution would have to pass in both houses of Congress and be signed by President Bush. When he was in Washington, Minister Mitchell met with Congressional leaders, including the Chairs of the Senate and House Agriculture Committees in order to impress on them that the interests of the US cattle and beef sectors will be best served by making decisions based on science.

On January 31, 2005, R-CALF submitted a motion seeking an injunction to delay implementation until the final rule has been reviewed in full by the Court. Arguments on this motion are scheduled to be heard by the Court on March 2, 2005. We are disappointed that R-CALF fails to recognize that Canada and the United States have the same BSE risk status and have the same appropriate measures in place to protect human health.

It is premature to speculate on the outcome of either the Congressional review or the US legal process. Nonetheless, we anticipate that decisions on re-opening the US border will be based on science with full consideration of the established international standards that protect human and animal health. The science indicates that the border should

be opened to live animals, including cattle of all ages and a wide range of low-risk products, and there is no reason to expect that the border will not re-open as scheduled on March 7, 2005.

ORDERS OF THE DAY

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Sharon Carstairs moved second reading of Bill C-39, to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment.

She said: Honourable senators, I want to thank you for the opportunity to introduce, at second reading, Bill C-39, to implement the 10-year plan to strengthen health care.

[Translation]

This bill implements what Canadians have said they want from their government, which is increased funding for health care.

[English]

Indeed, in recent years, a number of learned reports, including the Senate study on the state of the health care system in Canada chaired by my honourable colleague, Senator Kirby, have examined health care in Canada. One common theme is that Canadians want and expect timely access to quality services from our publicly funded health care system.

Canadians from all parts of the country have said that modernizing medicare means providing better access to services, including primary care, diagnostic services, home and palliative care, as well as expanded catastrophic drug coverage. This type of reform and renewal takes time, sustained commitment and adequate resources.

Canadians have asked that their governments work together to strengthen the health care system and ensure its long-term sustainability. Honourable senators, that is exactly what governments are doing. Last September, the Prime Minister and all provincial and territorial first ministers signed the 10-year plan to strengthen health care. At that time, first ministers reaffirmed their commitment to ensuring that Canadians have access to the care they need when they need it. For its part, the Government of Canada committed to increase its health care transfers to provinces and territories by \$41 billion over 10 years.

Just what will that increased funding do? The funding will accomplish three things. First, this new funding will strengthen the Canada Health Transfer, which is the largest federal transfer supporting health. This bill proposes both to increase the base level of the CHT and to establish an automatic escalator of 6 per cent annual growth. The result is a strong transfer,

providing stable and predictable growth in support of health. Second, the increased funding will target wait times reduction, helping provinces and territories in reducing wait times according to their respective priorities. Third, the new federal funding will provide an additional \$500 million to provinces and territories for diagnostic and medical equipment to improve access to publicly funded diagnostic services.

Honourable senators, the federal government's \$41-billion commitment to the provinces and territories illustrates how serious this government is about supporting a publicly funded health care system of which Canadians can be proud.

Let me take a moment to outline the details of the 10-year plan to strengthen health care.

To begin, the federal government will take steps to strengthen the Canada Health Transfer, the CHT, by investing an additional \$3 billion in the CHT in 2004-05 and 2005-06. This action will accelerate and broaden health renewal and reform in the near term.

The second important initiative contained in the plan is the establishment of a new higher base of \$19 billion for the Canadian Health Transfer, beginning in 2005-06. It is important to note that the new \$19-billion base includes \$500 million in targeted funding for home care and catastrophic drug coverage. These two issues were identified as important priorities for many Canadians.

Home care is an essential part of modern, integrated and patient-centered health care. The federal government is committed to working with provinces and territories to improve access to home and community care services, actions that are essential to improving the quality of life for many Canadians by allowing them to be cared for or to recover at home.

Most honourable senators in this chamber know of my passionate concern about end-of-life care. If end-of-life care is truly to be delivered where Canadians want it to be delivered, it must be delivered in the home. This budget will make that possible, as will this bill.

The home care services envisaged under the 10-year plan will result in first-dollar coverage for certain home care services based on assessed need across Canada for the very first time. What this means for Canadians is greater access to short-term acute care, acute community health home care and end-of-life care.

Governments have recognized the challenge to ensure appropriate and affordable access to needed drug therapy and acknowledged concern regarding rising drug costs, a fast-growing component of health expenditures. First ministers agree that no Canadian should suffer undue financial hardship in accessing needed drug therapies. As a result, the additional \$500 million in the CHT base also provides targeted support for catastrophic drug coverage.

[Translation]

Under the 10-year plan, the first ministers have agreed that no Canadian should have to endure a crippling financial burden to obtain the medication they need. Access to necessary drugs is essential to the good health of our citizens.

[English]

An important change to the Canada Health Transfer is that, effective 2005-06 and beyond, the Health Reform Transfer, established in the 2003 health accord, will be consolidated with the CHT.

• (1440)

Consolidating the CHT and the Health Reform Transfer brings together the two major federal transfers for health, reflecting the continuing commitment of the federal government to the reforms established in the 2003 accord, most notably, primary care, home care and catastrophic drug coverage.

To ensure predictable and sustainable growth in the Canada Health Transfer, the government has committed to legislate an automatic escalator of 6 per cent annual growth, to be applied to the new Canada Health Transfer base of \$19 billion effective in 2006-07. This is an unprecedented step for the federal government, one that responds to the recommendations in many learned reports calling for this automatic escalator clause.

Reducing the time that Canadians have to wait for treatment is crucial to the success of the 10-year plan. Long wait times for vital tests or treatments are not only upsetting for patients, but also unacceptable. Provinces and territories have taken tangible action to address wait times, particularly in such priority areas as cancer treatment, heart, diagnostic imaging, joint replacements and sight restoration.

This government is committed to ensuring that Canadians have timely access to the health care that they need. To ensure this happens, Bill C-39 provides for an investment by the Government of Canada of \$5.5 billion over 10 years in a Wait Times Reduction Transfer.

In recognition that not all provinces and territories are at the same state in implementing their wait times reduction strategies, Bill C-39 provides for funding of \$4.25 billion over five years to be provided through a third-party trust and accounted for by the Government of Canada in 2004-05. Provinces and territories will be able to access this funding according to their respective needs in order to meet their own commitments to reduce wait times. These priorities include the training and hiring of more health professionals, clearing backlogs, building capacity for regional centres of excellence and expanding appropriate ambulatory and community care programs and tools to manage wait times.

In addition, beginning in 2009-10, \$250 million will be provided through an annual transfer to provinces and territories in support of health care-related human resources and tools to manage wait times.

Honourable senators, diagnostic and medical equipment is crucial to providing health care in the 21st century. This equipment can be expensive. As part of its commitment to securing Canada's health care system, the federal government will also provide to provinces and territories a further \$500 million for medical equipment in 2004-05. This investment builds on previous investments of \$1 billion and \$1.5 billion in diagnostic and medical equipment made by this government in the 2000 and 2003 health accords, respectively. This funding will assist provinces and territories in improving health care services by providing funding for new equipment and, much more importantly, the specialized staff training to improve access to publicly funded diagnostic services.

As a result of these new funding commitments for health care, total federal cash transfers in support of health care are scheduled to rise to \$30.5 billion in 2013-14 from \$16.3 billion in 2004-05.

As I have outlined, the largest part of this new funding will be provided through the Canada Health Transfer, which will grow by 6 per cent annually from its new base of \$19 billion in 2005-06.

[Translation]

This money will add to the significant support provided in the form of transferred income tax credits, which will continue to increase as a function of the economy.

Honourable senators, these measures demonstrate the extent to which the government is determined to continue to improve the Canadian health care system and to ensure its future.

[English]

Honourable senators, first ministers agreed on the importance of reporting to their citizens on health system performance, including the elements set out in the 10-year plan. Governments agreed to seek advice from experts and health providers on the most appropriate indicators to measure health system performance.

In addition, Bill C-39 includes a provision for parliamentary review of progress in implementing the 10-year plan. The review shall be completed by a committee of both Houses of Parliament and shall take place in 2008 and again in 2011.

I would like to illustrate to honourable senators how we arrived at where we are today. This new federal support of \$41-billion builds on agreements reached under the 2000 agreement on health renewal and 2003 First Ministers' Accord on Health Care Renewal.

Following the September 2000 agreement for an action plan to renew our health system, the federal government invested over \$23 billion over five years through the Canada Health and Social Transfer and targeted investments, including the Primary Health Care Transition Fund, health information technology and medical equipment.

Building on that framework, in February 2003, as part of the 2003 First Ministers' Accord on Health Care Renewal, governments outlined a plan to further improve access to quality health care for Canadians. The federal government's

commitment at the discussions on this accord provided for \$36.8 billion over five years to support the action plan agreed upon by first ministers. At that time, first ministers also agreed to restructure the Canada Health and Social Transfer into two separate transfers: the Canada Health Transfer and the Canada Social Transfer.

The Canada Health Transfer was structured to provide growing and predictable support for health. The Canada Health Transfer was also designed to improve the transparency and accountability of the government's support for health, while maintaining the provinces' and territories' flexibility to allocate federal funding according to their respective priorities.

The Canada Social Transfer provides federal funding to the provinces and territories for post-secondary education, social assistance and social services, including early childhood development and early learning and child care.

The federal funding provided for in the 2000 and 2003 health accords, combined with the incremental funding of \$41 billion in this bill, provides for predictable, sustainable and growing funding that will make the publicly funded system of health care more responsive and sustainable.

In the context of providing federal funding to the provinces and territories, no debate would be complete without mentioning the fundamental changes to Canada's Equalization and Territorial Formula Financing arrangements. The new framework announced last October will bring stability, predictability and growth to the overall level of funding for these programs. This new framework, as laid out in Bill C-24 currently before this chamber, provides for \$33 billion in transfers through Equalization and Territorial Formula Financing.

Honourable senators, this \$33 billion in funding, combined with the \$41 billion for the 10-year plan to strengthen health care, results in an increase of \$74 billion in funding to the provinces and territories. This \$74 billion can be used by the provinces and territories to provide important health and social services to their citizens.

Canadians need their governments to work together on reforms to the health system and on ensuring its long-term sustainability for future generations. With the 10-year plan to strengthen health care, that is exactly what we did. The \$41 billion in new funding provided in this bill represents a significant investment by the Government of Canada in core support for health care and the principles of the Canada Health Act through increases to the Canada Health Transfer.

[Translation]

This new investment supports the efforts of the provinces and territories to improve access and reduce waiting times for obtaining health care. It will also help provinces and territories to invest in necessary diagnostic and medical equipment.

[English]

Most of all, this \$41 billion in federal funding will allow provinces and territories to invest today and plan for the future to ensure that timely access to quality care is a reality for all Canadians.

In closing, honourable senators will no doubt understand and appreciate the importance of timely consideration of this bill. I urge all senators to join with me in according Bill C-39 speedy passage.

Hon. Lowell Murray: Honourable senators, would the honourable senator permit a question? First, to follow up on the very last sentence of her speech about timely consideration of the bill, does she know or can she find out by turning just slightly to her right and asking one or other of the leader or deputy leader whether there is a timeline on this bill? Will grave problems be created if it does not receive Royal Assent by the end of the fiscal year?

Senator Carstairs: The agreement, as I understand it, does put a timeline on this bill. There has been agreement that the money would flow in 2005-06 and as quickly as possible.

• (1450)

Senator Murray: Honourable senators, I am not sure how grave the problem would be if we slipped by a couple of days. It is not that I am interested in delaying passage of this bill, but I do want to ask the honourable senator a question. I am sure that substantive critical analyses can be made of this bill and the agreements on which it is based. I might make some of them myself to the extent that the agreements fall short of addressing the systemic problems that were reported by our own Standing Senate Committee on Social Affairs, Science and Technology.

However, the loudest criticism of the agreements has come from commentators who, first, seem terribly agitated about the separate agreement with Quebec, to which my colleague did not refer but which I find unexceptional; and who, second, seem to believe that additional conditions should have been attached to this new federal money, in addition to the provisions of the Canada Health Act, to which all the parties have reiterated their commitment.

The criticism has been quite strident, and I am puzzled why the government has not addressed it adequately. The most recent rhetorical flourish I saw from one commentator is that it represents Frankenstein federalism. Assuming that this bill is given second reading and is referred to committee, will the government consider encouraging the committee to invite one or more of the strongest critics of these agreements to the hearings to state their case so that we may hear from ministers or officials and shed some light on the matter? I believe that the agreements are fully in the Canadian tradition, and when I spoke on the throne speech debate, I quoted no less than Marc Lalonde along the same lines, but the criticisms are out there and they ought to be addressed. The committee might do us all a service by hearing from the critics and then having an appropriate response from the government.

Senator Carstairs: I am not a member of the Standing Senate Committee on Social Affairs, Science and Technology to which I expect this bill will be referred, but I have asked to be a member of the committee should any vacancies arise. I will make that representation to Senator Kirby.

Frankly — and the honourable senator knows my history better than anyone in this chamber — those who criticize this proposal have not read the so-called side deal. I read it, as you might gather, with a great deal of interest, and, like the honourable senator, I saw nothing of concern.

On motion of Senator Stratton, for Senator Keon, debate adjourned.

THE SENATE

MOTION TO APPOINT ETHICS OFFICER,
JEAN T. FOURNIER, ADOPTED

Hon. Jack Austin (Leader of the Government): Honourable senators, I move seconded by the Honourable Senator —

Hon. Anne C. Cools: I rise on a point of order.

Senator Austin: Is this the time for a point of order?

The Hon. the Speaker: It depends on the point of order. Nothing has happened, so I cannot be sure what the point of order would be about, but I will hear it.

Senator Cools: Your Honour, I was trying to get to my feet because Senator Austin was obviously not planning to speak to the motion.

Senator Austin: I have not been able to move it yet.

Senator Cools: Put the question before us. Go ahead and move it.

Senator Austin: That is so kind.

Honourable senators, pursuant to notice of February 22, 2005, I move:

That in accordance with section 20.1 of the *Parliament of Canada Act*, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Jean T. Fournier, of Ottawa, Ontario, as Senate Ethics Officer for a term of seven years.

The Hon. the Speaker: Is Senator Cools rising on a point of order?

Senator Cools: If Senator Austin wishes to speak to the motion, I would be prepared to hold my point of order for a few moments. However, Senator Austin, my understanding is that he is not planning to speak and that he will be moving another motion. Is that correct? I wish to raise my point of order before he moves another motion.

The Hon. the Speaker: Honourable senators, I do not think there is any point of order of an anticipatory nature. If you have a point of order, I will hear it. Otherwise, I will see Senator Austin on his motion. He is speaking to his motion.

Senator Cools: My point of order is on this motion. I wish to raise the possibility, honourable senators, that this motion is somehow defective and is not properly before us. If you look to the words, they are as follows:

That in accordance with section 20.1 of the *Parliament of Canada Act*, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Jean T. Fournier...

My understanding is that Mr. Fournier has not been appointed as of yet. I do not understand how we can be approving an appointment that has not been made. That is the first point.

If we are being asked to approve an action that has not been taken, then that certainly makes this motion somewhat questionable and suspicious, if not defective.

My questions arise, Your Honour and honourable senators, from the fact that the authority for the motion or the authority for what the government is asking the Senate to do arises out of section 20.1 of the *Parliament of Canada Act*.

Honourable senators, I retrieved a copy of the *Parliament of Canada Act* from the Department of Justice website. It is a very recent copy, updated as recently as August 31, 2004, and I went to section 20.1. I discovered there is no section 20.1 in the updated act, which, again, is questionable. The only explanation that could possibly be given for that is that the ethics bill, as we passed it some months ago, is not in force.

If it is not in force, how can we be asked to approve an action which has not happened under a section of the act which is not in force? There is something very wrong here, and I hope the minister can explain it. The Senate is being asked to take an action under a section of a statute that is not in force.

• (1500)

Clause 42 which is the coming-into-force provision of the ethics bill, Bill C-4 to amend the *Parliament of Canada Act*, that we passed some months ago, reads as follows:

The provisions of this Act, other than sections 38 to 41, come into force on a day or days to be fixed by order of the Governor-in-Council.

In my view, it is very clear that whole sections of this bill are not in force; as well, the section under which we are being asked to grant our approval is certainly not in force.

Perhaps there is an explanation. I will be quite happy to hear how Senator Austin responds to this point of order, because it is very odd that the Senate is being asked to perform an action pursuant to a section of an act that is not in force to approve an appointment that has not been appointed.

Senator Austin: Honourable senators, there were a number of points made by Senator Cools to which I should like to respond. Section 7 of the *Interpretation Act* provides as follows:

Where an enactment is not in force and it contains provisions conferring power to make regulations or do any other thing, that power may, for the purpose of making the enactment effective on its commencement, be exercised at

any time before its commencement, but a regulation so made or a thing so done has no effect until the commencement of the enactment, except in so far as may be necessary to make the enactment effective on its commencement.

In appointing its Ethics Commissioner, the House of Commons acted pursuant to the same regulation. Their motion referred to subsection 72.01, that also had not been brought into force. The section does not need to be brought into force, nor does our section need to be brought into force until the Governor-in-Council is ready to make the Order-in-Council. I again refer to the *Interpretation Act*.

Honourable senators, senators insisted that no action be taken by the Governor-in-Council to indicate a preference with respect to a Senate Ethics Officer. That insistence was accepted by the government and resulted in a ministerial undertaking, which I gave in February 2004, that all of the action would be reserved to this chamber with respect to designating our preference with respect to a Senate Ethics Officer. The action being requested in the motion that I have moved today is an action for the Senate to approve the appointment of Jean T. Fournier, and that approval will give rise to the action by the Governor-in-Council under its authority to make the appointment.

Honourable senators, there is nothing at all irregular about the steps being taken here. As I said, we are following the same procedure as was followed in the House of Commons, and the purpose of my motion is to initiate the matters contained in my undertaking and to do so within the appropriate language of the section of the former Bill C-4, which was adopted by this chamber.

The Hon. the Speaker: Before I give Senator Cools the final comment, do any other senators wish to make a comment?

Senator Cools: I am not informed of the goings on in the other place. It gives me no comfort and assists me in no form or fashion to be told that we are doing what was done in the House of Commons, because it is entirely possible that if it were done improperly in the House of Commons we would be repeating a mistake. However, I cannot speak about the House of Commons because I have not looked to the record of the House of Commons to see how it was done there. It is my understanding that their situation is somewhat different from ours, in any event. That may or may not be so, but I am not going there. I am going with the plain words of this motion.

This motion is not asking the Senate to approve Mr. Fournier as a candidate for appointment. This motion is not asking the Senate to give a stamp of approval to the individual, and neither is this motion asking the Senate to recommend Mr. Fournier for the position, because what Senator Austin has spoken to is not the business of the appointment. He has spoken to the business of the selection of the person as a candidate for the appointment.

I have no problems with what Senator Austin has said. If that is what Senator Austin wanted his motion to say, he should have said that in his motion, and he still may. He could proceed by way of amendment. However, the motion cannot ask, in all honesty,

that the Senate approve the appointment because the appointment has not been made. Senator Austin is asking us to give an imprimatur, an approval, on an individual to be appointed, which is quite a different matter.

Honourable senators, I am well aware of the undertakings that were made. I followed the debate closely as it occurred several months ago. I am not quarrelling with that and I am not quarrelling with the House of Commons. As a matter of fact, just a few days ago, Senator Austin told me that we should not inquire about what was going on in the House of Commons. My concern is the plain words on the face of this motion.

The Leader of the Government in the Senate quoted the Interpretation Act. I am not going there. I do not think that most honourable senators even know that those sections have not been called into force. I am dealing with the plain words that a motion cannot ask the Senate to do something that is not true. This motion, as Senator Austin has moved it, is asking the Senate to approve an appointment, not to approve a person for appointment. There is a profound difference. This motion, as scripted, is asking the Senate to approve an appointment, and only the Governor-in-Council can make such appointments.

I submit that this motion is defective and questionable. The way around it, perhaps, is to have the mover of the motion move an amendment, which I would be happy to support, that the Senate approve the candidacy of a certain person for the appointment. There is a difference, and Senator Austin cannot simply say there is not a difference.

Senator Austin: Honourable senators, while I appreciate that Senator Cools wants us to follow the correct policy with respect to this matter, the procedure that I am following is based on the advice of law officers of the Crown and the table officers in this chamber. I believe the procedure is well cast and according to law and, as I have pointed out, was the procedure followed in the House of Commons where no objection was taken.

Senator Cools: Let us go back then to section 20.1. I would have thought that Senator Austin, since he is asking us to move a motion relative to this section, would put it on the record.

Senator Austin: Honourable senators, whatever is the law has judicial and parliamentary notice with no further action.

Senator Cools: Perhaps the problem is in the section of the law. Has the government leader considered that possibility?

• (1510)

Senator Austin: The problem is that Senator Cools' interpretation is well meant but not correct.

Senator Cools: I do not think so.

The Hon. the Speaker: Honourable senators, just to try to bring some focus to the matter raised by Senator Cools, the point of order is to determine whether a particular proceeding before us is

in accordance with our rules. I would ask senators to address that issue. This is not a time for debate but a time to explain why a matter is or is not in order.

As Senator Cools has raised the point of order, I will give her the last word.

Senator Cools: The question is whether or not the motion asks the Senate to do what the motion is saying. The conclusion that Senator Austin is asking of the Senate is not the conclusion for which the motion is asking.

We cannot have two different propositions before us at the same time. If Senator Austin and the government are asking us to approve of this gentleman as a candidate, then the motion should say that. The motion asks that "the Senate approve the appointment." Mr. Fournier has not been appointed.

Honourable senators, there has been enough bitterness and unhappiness around the question of the Senate Ethics Officer and the process followed. Certainly the government could get it right for once.

The Hon. the Speaker: I have listened, and I believe I understand the point of difference between Senator Cools' point of order and Senator Austin's response. It falls to me as the presiding officer to make a decision.

The point of difference is essentially over the language used in the resolution that the Senate approve the appointment of Jean T. Fournier and whether this is an attempt to do something that will, as is anticipated by the motion and the comments on the point of order, be done following any decision by the Senate as to whether it approves the appointment. Accordingly, I take this to be the issue, and on this issue, my reading of the motion is not that the Senate is attempting to make the appointment or to do something that the government will do by Order-in-Council, but rather, as is indicated by Senator Austin, that the Senate approve the appointment. I do not believe that to be in any way out of order.

As to the question of whether or not an element of the Parliament of Canada Act is in effect and in place, this is a matter which I do not believe falls in my jurisdiction. If it did, then on any matter that came up, a point of order could be raised seeking to prove the fact that an act had been passed and proclaimed. That is a question of law, and a question of law clearly under our rules is not decided by the Speaker. The Speaker decides points of order on procedure and on matters to do with our rules and practices.

Accordingly, it is my ruling that it is in order to proceed with the debate on this motion.

REFERRED TO COMMITTEE OF THE WHOLE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move that the motion be referred to Committee of the Whole now.

The Hon. the Speaker: Do you wish to speak, Senator Rompkey?

Senator Rompkey: I would just say that this has been deemed the best course of action open to the chamber in examining the question before us. It was an agreement made by the mover and the seconder and by the leadership on both sides. I would now seek approval of that motion.

Hon. John Lynch-Staunton: Will the honourable senator take a question?

I have no objection to hearing the candidate to which both sides have agreed, but I feel that unless Senator Rompkey can convince me otherwise, perhaps we are jumping ahead of ourselves. We do not have a code of conduct, which has yet been approved by the Senate; therefore, the person who is advanced as the one who will apply the code will have nothing to tell us about the rules that will govern us for which he will be responsible.

Would it not be more apropos to have the code first, and when the candidate appears, discuss with him any contention or vagueness in the code which one may feel exists, so we can be sure we are starting from the same time and at the same place? Otherwise, we will name someone, and then in a few weeks hand him over a code and never have a chance to know his interpretation of it, or perhaps he may find some weaknesses or suggest some improvements. As qualified as this gentleman may be, it would be unfair to him to discuss this matter with him without placing before him the one tool that he should have at his disposal.

Hon. Jack Austin (Leader of the Government): I remind honourable senators of the point made repeatedly during the debates that brought final determination to this chamber regarding the Senate Ethics Officer and the *Rules of the Senate*. That point simply was, and this is the point I am following to the letter, that the Senate Ethics Officer would apply the *Rules of the Senate* as decided by the Senate and be guided by the Senate. It is not the purpose of the Senate Ethics Officer, in my interpretation, to participate in the development of the rules or to debate or advise with respect to the rules.

The Senate Ethics Officer will apply the *Rules of the Senate* when the Senate determines what those rules will be.

Senator Lynch-Staunton: I agree, but I think the candidate should have the rules before him so he will know exactly what he will be asked to apply and to ensure that there will be some form of supervision by senators that he is made aware of and that may or may not inhibit the freedom he may have.

• (1520)

Senator Austin: Honourable senators, the candidate, Jean Fournier, is quite familiar with general issues involved in questions of ethics. With respect to practice in Australia, where he was high commissioner, he is quite familiar with rules in the other place, and he generally understands the nature of the position being discussed. However, the best evidence of that will be his appearance and the opportunity for senators to ask questions of him.

Hon. Gerald J. Comeau: In my previous profession I quite often had to hire people to perform certain tasks. The usual procedure was to establish the terms of reference for the employee, the requirements that were needed for the job, the job description and our expectations of the individual. In this case, the Senate does not have the code of ethics yet and so senators do not know what it will ultimately hold. Therefore, it would seem that we are proceeding in reverse by hiring the individual for the position of Ethics Officer and then advising him of the terms of reference at a later date.

I agree with Senator Lynch-Staunton that it would be only fair, if the individual fits the terms of reference as determined by this chamber in the future, that we invite him for an interview to determine whether his qualifications meet the terms of the Senate, no matter his previously-held offices. By attempting to approve this appointment today, the Senate would be hiring the individual on the assumption that he will fit any terms of reference that ultimately the Senate may set out for him. I do not think that is fair. At the end of the day, the Senate may need someone who has more legal expertise than the kind of expertise that this gentleman brings, or there may be other factors to consider. The Senate should establish the terms of reference and the job description, and then fit the individual to those.

Senator Austin: Honourable senators, I have answered the question, but I will answer it in such a way as to specifically address Senator Comeau's concern. There is no mystery in the general nature of rules of conduct. In his report, Senator Oliver has laid out a code of conduct. In this chamber, senators have debated a code of conduct. In the other place, members debated a code of conduct. The issues are well known. The determination of this chamber was to produce a senators-only code of conduct. I have taken that message seriously indeed.

The candidate is aware of the Senate's debates and of the nature of the job.

In the past, I have hired people because they were bright, competent and possessed the personality and temperament to carry out any assignment. The generalities of the assignment were known beforehand but the specifics were developed later.

The office of the Ethics Officer is being designed by senators only. Therefore, the argument that he might have advice or participate does not factor into these current circumstances. I see no possible objection to having Mr. Fournier attend here to satisfy senators as to his qualifications, interests, general bearing, judgment and integrity. I see no reason for the Senate to not assess this person for the position. As Senator Rompkey pointed out, Mr. Fournier has been interviewed by Senator Kinsella and me, and we found him attractive and suitable to this particular assignment.

I recognize the right of any senator to quarrel with the Leader of the Opposition or with me in respect of our collective or separate judgment. However, I believe senators can have no reasonable objection to making their respective assessments of the gentleman whom Senator Kinsella and I believe has the consensus of this chamber. That was the undertaking I sought and received.

Senator Lynch-Staunton: To clarify, the point is not to challenge the gentleman's competence and integrity, but rather to determine from him, with the code before him, whether he finds it applicable, sees weaknesses in it and whether it is a tool that he finds apt to the job he is being asked to do.

We are being asked to interview someone who has not seen the main tool with which he will be expected to perform his duties. It could well be that, once he is appointed and reads the code, he might say that he is sorry but it was not what he expected. Let us avoid that by completing the code of conduct first and filling the position of Ethics Officer second.

Senator Austin: Honourable senators, I would make a point again that that is not how this chamber wanted to proceed.

Hon. Anne C. Cools: Honourable senators, this matter is moving a little faster than I had expected. I expected debate on the first motion today, not that we would skip over debate on the first motion to proceed to a second motion. I find the whole procedure rather odd. It is Thursday at 3:30 and we are talking about something that is of great importance and concern to all senators.

The Hon. the Speaker: To clarify, and because I want to keep the proceedings on track, Senator Austin was speaking and then we had comments. Are you speaking to this item now, Senator Cools?

Senator Cools: I move the adjournment of the debate.

The Hon. the Speaker: When a senator has the floor, we have questions and comments. When that senator is finished, I will recognize another senator. It is my understanding that when Senator Austin rose, took a question and made comments, it was his speaking time. We cannot have a motion to adjourn in the middle of a speech but rather at its termination.

Senator Austin: Honourable senators, this side has no intention of agreeing to any adjournment.

Senator Cools: The person who was speaking, Your Honour, when I moved the motion, was myself.

The Hon. the Speaker: I will clarify that because it is important. In the Chair it has been my practice to facilitate the give and take of debate or exchange of views in the chamber. Rather than intervene in a formal way, I have stood back. Unless I thought there was a breach of the rules, I allowed the flow to continue by way of question or comment back and forth, which was happening at that moment. Senator Cools rose, I thought perhaps to ask a question or to make a comment because that was the nature of the preceding interventions. We were on the item, as I had called it, to which Senator Austin was speaking. Senator Austin has finished speaking to the item and so I will go to the next senator. Senator Cools, when you rose I said that I would see you next, and I see you now.

Senator Cools: I thought I had risen and indicated my interest in the item for debate. I thought I had said that I was expecting the first motion to be debated today but the house moved on to the second motion. In light of that, I thought I would move adjournment of the debate so that I might participate in it with more information before me. The hour is late on a Thursday and senators are anxious to go home.

The Hon. the Speaker: Honourable senators, it is not a debatable motion.

It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Lynch-Staunton, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion? Those in favour of the motion to adjourn the debate will please say, yea.

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say, nay.

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the nays have it.

And two honourable senators having risen.

We will have a one-hour bell, unless there is agreement on an earlier vote. Honourable senators, is it agreed that the bell to call in the senators shall ring for 15 minutes?

Hon. Senators: Agreed.

Call in the senators.

• (1540)

Motion negatived on the following division:

YEAS THE HONOURABLE SENATORS

Cochrane
Cools
Forrestall

Lynch-Staunton
Meighen
Tkachuk—6.

NAYS THE HONOURABLE SENATORS

Adams
Atkins
Austin
Banks
Callbeck
Carstairs
Chaput
Christensen
Cook
Corbin
Day
De Bané
Downe
Fairbairn
Ferretti Barth

Jaffer
Kenny
Kinsella
Lapointe
LeBreton
Losier-Cool
Mahovlich
Massicotte
Milne
Murray
Pearson
Pépin
Poulin
Prud'homme
Ringuette

Finnerty
Fraser
Furey
Gill
Harb
Hervieux-Payette
Hubley

Robichaud
Rompkey
Sibbeston
Stollery
Stratton
Trenholme Counsell—43.

(a) a Senator may speak any number of times;

(b) ...no Senator shall speak for more than 10 minutes at any one time;

[Translation]

Pursuant to an order of the Senate, Mr. Jean T. Fournier was escorted to a seat in the Senate Chamber.

The Chairman: Mr. Fournier, on behalf of all senators, I welcome you to the Senate of Canada. I will ask whether you have an opening statement and, if so, to please proceed.

Mr. Jean T. Fournier: Thank you, Mr. Chairman. Honourable senators, I am very honoured to come before you this afternoon on the recommendation of the Honourable Senator Jack Austin, Leader of the Government in the Senate and the Honourable Senator Noël Kinsella, Leader of the Opposition in the Senate, as the first Senate ethics officer reporting directly to the Senate.

During more than 30 years in the federal public service, I was often invited to appear before various Senate committees. I always considered it a privilege to do so. It was also often a stimulating and demanding intellectual exercise to discuss with honourable senators such widely differing subjects as the James Bay and Northern Quebec Agreement, amendments to the Canada Pension Plan and the Pension Benefits Standards Act, the Canadian Multiculturalism Act and the DNA Data Bank legislation, to mention only some of the topics.

Honourable senators, I must confess that this is not the first time that I have spoken on the floor of the Senate. Some of you may perhaps recall that in 1990 I was here, in my office of Under-Secretary of State, with certain responsibilities at the state ceremony for the swearing in of the Right Honourable Ray Hnatyshyn as Governor General of Canada. It was a memorable experience for me. I remember feeling rather intimidated at the time and, today, 15 years later, I have the same feeling.

[English]

Honourable senators, I have a great deal of respect for the Senate of Canada. I know from personal experience the great contributions made by members of this chamber to Canadian public policy and law. You bring a wealth of knowledge and experience to the issues before you and are able to fulfil your constitutional responsibilities in an atmosphere significantly different from that of your colleagues down the hall.

I believe I have an appreciation — again, gained from my long career in Ottawa — for the distinct nature of the Senate as an institution with its own proud history, traditions and culture.

I am deeply conscious of the privilege and responsibility, if indeed you select me, to serve as an officer of the Senate in the position of Senate Ethics Officer. This will be a learning process for all of us as we seek to apply, with wisdom and common sense, the shared rules, standards of behaviour and principles you are currently establishing in the development of the Senate's own code of conduct.

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: We will continue with the motion of Senator Rompkey.

Senator Rompkey: Question!

The Hon. the Speaker: No senator rising, I will put the question.

It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Losier-Cool, that the motion be referred to the Committee of the Whole now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: On division.

The Hon. the Speaker: It is not too late for that.

Motion agreed to, on division.

• (1550)

The Hon. the Speaker: Pursuant to the order of your honourable house, I do now leave the chair and invite the Honourable Senator Robichaud to please take the chair of the committee.

CONSIDERATION IN COMMITTEE OF THE WHOLE

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole, the Honourable Fernand Robichaud in the chair.

[Translation]

The Chairman: Honourable senators, I wish first to draw your attention to rule 83, which provides that:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Honourable senators, is it your pleasure to suspend the application of rule 83?

Hon. Senators: Agreed.

[English]

The Chairman: May I also remind honourable senators that rule 84(1) states:

Honourable senators, the code will need to strike a delicate balance, as you well know. For example, there has to be a balance between the public's right to know and the private rights of individual parliamentarians, one which does not impede the process of attracting appropriate and qualified individuals.

Whatever model the Senate chooses at the end of the day, the code must be, and must be seen to be, respectful of these two fundamental principles.

[Translation]

Honourable senators, I carefully read the amendments to the Parliament of Canada Act, which you adopted last year, and which establishes the position of Senate Ethics Officer. I believe that the broad range of experience I have acquired as a senior public servant will serve me well in my new capacity.

We all seek to serve the public good to the best of our abilities, with morality, integrity and in a manner that brings credit to the institution that employs us and the Canadians we serve through that institution. Obviously, the Senate is ultimately responsible for the conduct of its members.

• (1600)

My task will be to help senators abide by the Senate's rules and code of conduct. In particular, with respect to sections 20.5(1) and 20.5(3) of the Parliament of Canada Act, I will carry out, and I quote:

... the duties and functions assigned by the Senate for governing the conduct of members of the Senate when carrying out the duties and functions of their office as members of the Senate.

... under the general direction of any committee of the Senate that may be designated or established by the Senate for that purpose.

[English]

Honourable senators, I have always taken very seriously my responsibility as a Canadian public servant to give independent and impartial advice. Should you decide to confirm my appointment as Senate Ethics Officer, I will give my best advice to each of you individually and to this chamber, as you seek to reconcile your private interests and your public duties, always informed by the deep respect I have for this institution. Hopefully, working together, we can position the Senate as a leading ethical organization, both in Canada and internationally, where we are considered to be a "chef de file," a world leader, in promoting sound values and ethics in government.

Honourable senators, I would be pleased to respond to your questions.

[Translation]

The Chairman: Thank you, Mr. Fournier. We shall now proceed with questions.

[English]

Senator Kinsella: Mr. Fournier, perhaps you could describe briefly some of the highlights of your many years in the Public Service of Canada, perhaps beginning from your time in the Department of Indian and Northern Affairs through Secretary of State, et cetera.

Mr. Fournier: Senator Kinsella, I always find it somewhat humbling to be put in this situation and speak of myself. I believe senators have seen my curriculum vitae, so I will be brief.

I have served, over the years, in a half dozen departments in the Government of Canada. I have worked on a couple of royal commissions. I have served on a number of boards. Most recently, I was Canada's High Commissioner to Australia, where I had the pleasure of welcoming a number of parliamentarians, including some senators who are here today.

I started working in the Department of Indian and Northern Affairs, and my last position in the federal government before being appointed to Australia was as Deputy Solicitor General of Canada, where I had responsibility for public safety and security issues, again working with a number of senators. Senator Kelly, who is no longer here, comes to mind. I was in that position for seven years.

When I was approached by Senators Austin and Kinsella to be considered for this position, I was surprised, flattered, honoured, and now today delighted that some of my past experience could be of help.

Should honourable senators decide to select me, I look forward to working with all members of this chamber.

Senator Kinsella: Mr. Fournier, you have served as the Under Secretary of State for Canada, having been appointed in 1986, and as the Deputy Solicitor General of Canada, which are senior deputy minister positions in Canada under a variety of governments. Senators, at least this senator, are concerned about the relationship that will be developed between the individual senator and our Ethics Officer. One of the dynamics, in my judgment, that will be so terribly important is the dynamic of confidentiality. Would you describe the importance of a confidential relationship that a senior deputy minister has with his or her minister, the kinds of professional and objective advice that is sought by the Prime Minister and is rendered to the Prime Minister, because it is at the highest level of confidentiality.

I am concerned that my relationship with the Ethics Officer will be under an atmosphere of what is described in the legal profession as lawyer/client relationship or, in the field of religion, priest/confessor relationship or, in the field of medicine, doctor/patient relationship. You have experience in dealing with ministers and Prime Ministers and cabinet documents, which are secret documents. Would you speak about your experience in operating in an environment where confidentiality is essential and how that would be applied by you if you were to serve these honourable senators as our Senate Ethics Officer.

Mr. Fournier: Going back to 1986 when I was first appointed a deputy minister, I have since served seven different ministers; four ministers during the term of Prime Minister Mulroney and three ministers during the term of Prime Minister Chrétien. My approach to serving them has been based on providing them the best advice that I, with the help, assistance and support of my staff, could develop and bring together, recognizing that at the end of the day, I provided advice as a deputy minister. It ought to be the best advice, it ought to be thoughtful, it ought to be practical, it ought to be politically sensitive, it ought to be independent and it ought to be impartial. At the end of the day, it is up to the minister to decide which course of action he or she wishes to adopt.

It is a relationship with which I have always been comfortable, one that is based on a mutuality of interests, the deputy being respectful of the minister's authority and the minister in turn being comfortable with the professionalism the department or the institution brings to bear. This is a relationship that I have enjoyed. In that context, I have dealt with members of Parliament and senators. If indeed I am selected, I will try and draw on those years of experience in that supportive relationship, which the act of Parliament, the law of Parliament provides. It is my role in this job to support, assist and provide advice to senators as they govern themselves in the implementation of the code of conduct they are currently establishing.

I hope this answers your questions.

• (1610)

Senator Stratton: Mr. Fournier, I would like to talk about the job itself. Although there is not a lot of detail, if you have had exposure to similar events in other countries, such as Australia, that have a code of ethics and ethics officers, perhaps you could expand on that and tell us how you see this job unfolding with the little information that is available right now.

Mr. Fournier: As I mentioned in my opening remarks, I see my job as it is generally outlined in the legislation — that is, setting up the position of Senate Ethics Officer by implementing the rules of conduct and the standards of behaviour that the Senate will decide to adopt as part of its rules; dealing in a supportive way with issues that come up by providing guidance and assistance to individual senators to implement the code; and, in a context of confidentiality, looking into situations and ethical dilemmas that may arise.

Ever since my appointment as Deputy Solicitor General in 1993, I have had top security clearance, and I still have it today. In that position, I had access to some of the top secrets in Canada's security and policing agencies. I endeavoured then to act in a way that respected the oath that I had taken. Of course, I have no difficulty with that and would continue to ensure that I treat with the utmost of discretion the close relationships that I hope to establish with every one of you.

Senator, you made reference to Australia. Certainly, Australia, among other countries, is looking to Canada and to Canada's experience. The Australians have a long-standing experience with a code of conduct for public servants that goes back to 1997, and I

believe that particular code for public servants was embedded in that year in the Public Service Act of that country, and it remains there today. Australia has developed, first of all, a code of conduct for public servants. Indeed, the first part of the public service act of Australia is all about the code of conduct and standards of behaviour that are expected of public servants, and the Australian experience in that sense is quite instructive.

With respect to the House of Representatives, as they call it in Australia, the Senate, which as you know is elected in Australia, and ministers, there is no formal code as you are discussing here. There is a bill, however, before the Senate in the name of Senator Andrew Murray, which provides for the establishment of a commissioner of ministerial and parliamentary ethics. This bill has been on the order paper for the last three or four years and is making slow progress through the parliamentary system in Australia. I know from my discussions with my colleagues in Canberra that they are watching the work that is being done in Canada with a great deal of interest so that it will inform the final decisions that the Australians make with respect to their own code of conduct for ministers, members of the house, and senators.

Indeed, I know, as you do, from visits of other countries to Ottawa and to this Parliament, there is a considerable amount of interest in Canadian efforts and initiatives in the area of parliamentary reform, promoting sound values and government ethics. I would expect that the code of conduct that you finally approve will be of interest not only to Australia but also to other countries.

Senator Sibbeston: Mr. Chairman, first, I want to welcome Jean Fournier to the Senate. Thirty years ago, I was a young politician in the North, and Mr. Fournier used to come North with then Minister of Indian Affairs, Jean Chrétien. It was interesting to see him. I have risen as a politician to become a senator, and, Mr. Fournier, you are at the point of reaching perhaps the epitome of civil servant jobs in being Ethics Commissioner in the Senate, so we have both come a long way.

When we were dealing with the ethics rules for the Senate, I expressed a concern, that is, that rules are made, for example, in the area of criminal law and other law with the general southern populace in mind. In terms of government policies, many of the federal government's policies regarding the North are made in the South, and we in the North have to scramble to try to modify them to make them work in the North.

You have had a great deal of experience. I have read your CV and it is very impressive. Part of your experience has been in the North, and you have also dealt with Aboriginal people, so I trust that this will stand you well in your dealings with us.

My question is related to the North. If you were faced with the task of interpreting the ethics rules, would you be able to understand and adapt the rules to the northern situation? Invariably, a rules conflict may arise in your dealings with businesses, government contracts and so forth. The North is different from the South, in that there are few people and people are often related. In every community, both territorial and federal governments have a huge presence, so how can people ever avoid

contact or relationship with government? People could find themselves in somewhat of a conflict because of that. Can you see yourself being able to deal with situations like that and being able to adapt the rules to the northern situation and make sense of it?

Mr. Fournier: Thank you, Senator Sibbeston. It is a pleasure for me, so many years later, to see you this afternoon, and I look forward to catching up with you in the weeks and months to come.

You raise a very important question. Not only does it speak to the issue of Northern Canada, which is close and dear to me, but it also speaks generally to the nature of the Senate's code of conduct. I believe the point that you make about flexibility is a critical one for the Standing Senate Committee on Rules, Procedures and the Rights of Parliament to consider in the days and weeks to come, as it wrestles with the scope and the wording of that code of conduct. A good code of conduct must be flexible. A good code of conduct provides a framework that sets out standards of behaviour, and it has principles and general rules.

• (1620)

It cannot be so restrictive as to create a straitjacket which makes it difficult or impossible to apply to all parts of Canada. This is a code of conduct for all senators representing all regions of Canada.

In my view, a good code has to be simple, easy to use and easy to understand. It should be practical and involve minimal costs. It should be thoughtful. It should recognize that ethics includes many grey areas and, in helping senators work through these grey areas, I will be guided by the code.

I do not believe that one size fits all in Canada. One has to be regionally sensitive. It makes no sense to bring an enforcement perspective or a rules-based perspective to ethics. One needs to be guided by certain key principles. It should not be so complicated that every senator needs accountants and lawyers and policemen in order to conform to the code.

Thank you for your question, which has provided me with an opportunity to make a broader statement about your code. My job will be to implement your code. I hope that the flexibility that you argue for in the northern context will also apply more generally to the code that you are working on.

[Translation]

Senator De Bané: Mr. Fournier, welcome to the Senate. I am honoured that you accepted this great responsibility. What is the relationship between the code of conduct and the Criminal Code, which also governs our activities?

Mr. Fournier: The Senate is currently subject to a number of ethical rules. The *Rules of the Senate* include rules on ethics. The code of conduct, once implemented, will govern the senators' conduct. Not all ethical matters involving the Senate will be included in the code. More general clauses relating to the Senate are included in the Constitution of Canada, the Criminal Code

and the Parliament of Canada Act. These are related and complementary. The Criminal Code addresses matters of a criminal nature, while the code of conduct that you will develop will touch more on matters of morality and conduct. It will not carry over into criminal matters.

Senator De Bané: I have a suggestion I would like you to consider. In the private sector when a person is appointed to a board of directors, they expect legal advisors, either internal or third party professionals, to provide them with a document that sets out their responsibilities. Likewise, the president of a corporation receives legal advice.

A law firm cannot guarantee how a court will rule in a given situation, but it can look at jurisprudence and advise their client accordingly. One of my colleagues was found guilty despite his good faith. He did not realize that in taking a certain action he was committing an offence. Most of the judges who ruled in this case agreed that he had acted in good faith. Why not take our lead from the private sector, and without prejudice to what the courts might later decide, send every member of the Senate a document advising them of the possible legal ramifications of a given situation? We could explain a situation and provide advice based on legislation and the code of conduct on what is permissible or not, even if this information is not binding on the ethics officer or the courts.

I was surprised to see this colleague, unbeknownst to him and in good faith, commit an act that has disqualified him from sitting in this place. Why is the private sector entitled to all sorts of legal advice when we receive none here until after the fact?

Mr. Fournier: The legislation establishing the position of Senate Ethics Officer calls for the creation of a Senate committee and for me to act under the general authority of this committee. That is an excellent suggestion and one we will be able to discuss in this committee. The existence of this committee is extremely important in order that I may serve you and that your questions and suggestions, such as the ones you just described, may be heard.

I hope that when the code is implemented, the Senate will immediately take the necessary measures to strike this Senate committee. Perhaps you will be a member of it and we will be able to continue this discussion, because ultimately, if I am to serve you, it is important for there to be mechanisms allowing us to exchange ideas. You and I, we are pioneers. We have to establish guideposts that will be useful for both you and me.

Senator Ringuette: You knew a number of people who led very active public lives. What distinctions do you draw between a parliamentarian's public and private lives?

• (1630)

Mr. Fournier: That is a fundamental question, the very core of the code of conduct.

A proper balance must be found, and what a delicate and difficult task that is, between senators' public responsibilities and their private lives. There are two principles involved here: the public's right to know, and your rights as senators to privacy. These are two fundamental rights. We cannot say that one is more important than the other; we have to deal with both. The legislation and the code will provide us with the framework for doing so. That framework is, of course, important, but what is within that framework is more important still. Imagination will be required as well as good relations between my office and the senators, if we are to be able to exchange information in total confidence and address specific cases.

Establishing principles is not enough in itself. Rules must be set. Those rules are not, however, cut and dried. Life is rarely black and white; there are a lot of grey areas. Over the years, I have had to learn to deal with ambiguity and have, moreover, become comfortable with doing so. We need to talk about it, address it head on, and become properly aware of it. That is the approach that has enabled me to serve numerous ministers and senior public servants over the course of my career. I hope that, with your support, I will be able to take that same approach here.

[English]

Senator Cools: Mr. Fournier, I would begin by welcoming you to the Senate chamber.

I listened to you carefully, trying to get a feel for you — the person, the man and, of course, the public servant. Perhaps I could begin my exchange with you from there.

I am sure that you have read a lot of the debates and I am sure that you are aware that many senators in this chamber, myself included, have voiced strong objections to the manner in which the ethics bill had proceeded. At times I have believed that the flaws have been so great as to actually impair the bill, or at least to put large shadows and clouds over it.

In particular, I have raised the question of the relationship between servants of the Crown and members of Parliament. For a couple of hundred years, Parliament has excluded servants of the Crown, especially office-holders for profit, from its bosom. Therefore, I am comforted to hear you say that this is new ground, that this is pioneer work. I draw much comfort from that, because you seem to be taking this very seriously, and you seem to understand inherently that, although you have an abundance of experience in the public service, you are moving into a new incarnation, so to speak. I assure you, Mr. Fournier, that the Senate will be like none other that you have ever worked in. In saying that, I am trying to relax you a bit. Trust me: it is a world in itself.

You make some interesting remarks, Mr. Fournier. You talked about serving the Senate. You used the words "serving you" and "serving the Senate." You talked about this being pioneer work and you used some other interesting phrases that I noted.

Perhaps we could begin our exchange with me asking you to address that phenomenon. Have you given much thought to the constitutional relationship that the ethics officer will have with the Senate collectively and senators individually, and do you have any ideas on it?

Mr. Fournier: Thank you, honourable senator. I have much to learn from you and other senators in this chamber. There is considerable knowledge and experience in this chamber on matters of ethics. I have read some of the debates of the special committee of the Senate that was chaired ably, I thought, by Senator Milne. I have also read the very instructive report that Senator Oliver was involved with some 10 years or so ago, along with Mr. Milliken, and I look to benefit from the experience in this chamber.

As a public servant, my knowledge of ethical issues, of course, has, up until now, been focused on the ethics that govern public servants. That is an area that has been of increasing importance over the last 15 years, going back to the milestone report of the late John Tait, which is being used internationally. It is well known in Australia, the U.K. and elsewhere as a foundation document on issues of values and ethics in government. John Tait was a good colleague of mine when he was Deputy Minister of Justice and I was Deputy Solicitor General. We often spoke about ethical issues in the context of the life of a public servant. Therefore, ethical issues are not foreign to me.

The application of ethical issues to parliamentarians, and in the Senate in particular, is an area in which I look forward to working with you as you establish your own code, which will go a long way to defining the relationship between me, my office, you as senators and this chamber. At least it will provide the framework and the general rules of behaviour that you want to give to yourself and adhere to as senators. My role, much as it was when I was a deputy minister, will be to serve you, to guide you and support you in the implementation of those rules.

Inevitably, those rules will evolve. The code that you will give yourself will be a living tree, and we will work it together. By a process of iteration, I hope that, together, we can ensure that the relationship between us is a productive one, and an easy one.

• (1640)

It has been suggested by both Senator Austin and Senator Kinsella that I should have an office, if not in this building, on the Hill. If that is your wish, if that is possible, I would consider it important in terms of building the relationship, so that it is not simply limited to my appearing today or before meetings of the special committee set up to liaise with the Senate Ethics Officer or to the one-on-one discussions to which I look forward. If indeed I have an office here as opposed to somewhere else in the area of Ottawa, then we can work together and identify issues that are of concern and work creatively on some of the ethical dilemmas and deal with the ambiguities in a very pragmatic way.

I suppose I am sort of a practical idealist. I do believe that one can deal with issues, however sensitive or however complex. Otherwise, I do not think I would have spent the time I did in Indian and Northern Affairs and still enjoy it, or that I would have dealt with issues as complex as the Canadian Multiculturalism Act, Japanese-Canadian redress, pension reform, development of the DNA data bank or the FINTRAC agency. These were all leading-edge, pioneering issues with their own sets of problems.

[Mr. Fournier]

Through a lot of goodwill and with a lot of hard work on the part of many people, we were able to develop positions, policies, legislation and agreements that have stood the test of time. I hope I am able to earn your trust, senator, and exceed your expectations in the weeks and months to come.

[Translation]

Senator Corbin: Mr. Fournier, I know you for a man of principle. I worked on the committee with Senator Kelly and it was a very enriching experience. I have always appreciated the frankness of your answers and comments.

I would ask you not to think of the comment which follows as being addressed to you personally; rather it concerns the function of Ethics Officer. In fact, I am somewhat hesitant to approve your appointment today, for the simple reason that I do not yet know the final form of the code which you will enforce and by which I must abide.

Do you feel comfortable today going through this examination while the code is not yet in place? Have you discussed this problem with the people who invited you to appear here in the Senate today?

Mr. Fournier: As I replied to another senator, I would say that as a senior public servant I have, over the years, become used to dealing with ambiguity. That said, I am convinced that in the end, the Senate, which has been working on ethical issues for years, which played a very important role in drafting the law that Parliament has passed, and which is working flat out on a code, will end up with an excellent code, on the leading edge among codes of conduct.

It is with that confidence and optimism that I appear before you today and I will be proud and eager to work with you in implementing this code.

To return to what I was saying previously, in reply to Senator Sibbetson, I would say that the code will have some flexibility. Based on experience, we will have an opportunity to work together to fine tune it if necessary. But if the code is simple and practical, does not require excessive spending, and is based on thorough research and reflection, I have every reason to be confident. I would accept this appointment with pleasure, if that is your wish.

Senator Corbin: There are some 16 empty seats in the Senate. People may soon be called by the Prime Minister to fill these empty senatorial seats. Do you think that all potential candidates for a senate seat should be obliged to familiarize themselves with the code before accepting appointment to the Senate? Would you be ready to make this kind of recommendation to the Prime Minister so that potential senators would know what they were agreeing to, in terms of both public life and disclosure of their personal assets?

Mr. Fournier: I understand the meaning and importance of your question, Senator Corbin. It would probably be presumptuous of me to want to make recommendations to the Prime Minister on this.

I think in time, once the code is in place and has been put to the test, it will go without saying that any prospective senator will want to read the code, since it will be a public document. First we need to have that document. I know you are working on it. I am anxious for you to finish your work on this code. I am certain the Prime Minister will recognize the Senate's good work on this issue.

• (1650)

[English]

Senator Forrestall: I have a vast, incalculable wealth, and I truly do not know how Mr. Fournier will keep me on the straight and narrow. My concern for that wealth is without bounds — called five children, seven grandchildren and a wonderful wife. I may love you dearly, but I cannot speak for them because they are quite independent.

I wish to follow up on a couple of questions that were asked earlier. How do you view your relationship with this new committee, as you grow together? I do not believe that committee has a name yet — perhaps you could give some thought to a name. In any event, how do you think your office should properly be related to that committee? Is it a conduit, or is it more than that?

Mr. Fournier: Senator, you are indeed blessed in the many ways that you have described.

The Parliament of Canada Act is quite clear on that relationship. Section 20.5.3, I believe — I stand corrected on the section — establishes that the Senate Ethics Officer is to work under the general direction of the committee. As an officer of the Senate, like other officers of the Senate, I will be here to support and serve senators. The specifics of that relationship will evolve over time, but it will be open, transparent and based on mutual respect in trying to deal with issues in a creative way that will be respectful of the individual situations of senators and of the independence of all the members of your wonderful families.

Senator Forrestall: I wish you good luck in your endeavours, sir. Probably you will never hear from me once we have an initial interview.

[Translation]

Senator Prud'homme: I wish you a warm welcome. You mentioned the committee of Mr. Oliver and Mr. Blenkarn. I sat on another committee 20 years earlier. Two of us remain in the Senate: me and my very dear friend, Senator Callbeck, former Premier of Prince Edward Island. We were on the Stanbury-Blenkarn committee in the 1980s. The term jurisconsult was created at that committee. I must say, and I will be brief, we had a harder time getting that term accepted than the code itself. People thought it smacked too much of Quebec terminology. I thought this was rather rash because Quebec already had an excellent code. I think I had a word with a few people about this.

Quebec has excellent experience. Justice Albert Mayrand, a very noble and well respected judge, like yourself, was a jurisconsult who, as part of his job, enforced very strict rules. I was struck by one of your responses when you said "this should be simple." A code should be simple.

You have made reference three times, I think, to "the office". I know that your office will probably be located in the East block, which is an excellent location for discretion. Were you advised that the position of Senate Ethics Officer would be full-time? We will know how to get in touch with you. And what do you think of the simplicity, not only with regard to the code but also the bureaucracy?

It is no secret that, in the lower chamber, the Office of the Ethics Commissioner has over 30 employees, or so I am told. It is true that it has more work to do, given all the appointments by the Governor-in-Council, cabinet and so forth. In the future, do you think it will be possible not only to have a simple, clear, precise code of conduct that the public and the honourable senators will be able to easily understand, but also to maintain simplicity at your office and ensure that no additional levels of bureaucracy are added, which would only make it more difficult for us to get in touch with you directly, without having to go through A, B and C?

I am asking you all my questions at once. I am convinced that we will be well served by your appointment and that the public will be satisfied. I would have preferred, as other colleagues mentioned, for you to have a code. Now that this code is in the works, I am starting to really think about it and I hope — I am saying so publicly, not privately — that you and those writing the code will be able to meet in private. I think that your vision of it is simpler than theirs. Since your appointment is for seven years, if the majority so wishes and it will, I am sure, the code should be simple. It might be good to allow for an immediate dialogue, to identify the kind of code of conduct able to meet the two objectives you have set, in other words, that it is satisfactory to both senators and the general public, who should have confidence — as opposed to that other faculty known as "titillation"...

[English]

It would be simply for the pleasure of titillating the public or the press. I can say that full face to the television camera, because I am not shy about it.

[Translation]

Last week, we saw an unfortunate example of people who complied with the law in the House of Commons. They complied by filing declarations of gifts in excess of \$500, and now the Western newspapers are running some unbelievable stories about them.

That point of view worries me somewhat. I do wish you luck and would appreciate it if you could give me your definition of what is simple for you and for your office.

Mr. Fournier: Thank you, Senator Prud'homme. I should begin by acknowledging your expertise in the field of ethics. I hope you and I, and the other senators as well, will have an opportunity to exchange views and to develop a close relationship. I fully intend to make myself accessible. I trust we will have the opportunity to speak again.

You have asked me several things. It is up to the Committee on Rules, Procedures and the Rights of Parliament, if it thinks I can do anything to help with its work. So far, it is the senators who

have been involved in drafting the code in camera, and I wholly respect that. If, at some point, they want me to attend one of their in camera meetings, I would be only too pleased. I am at the service of the committee and of this chamber, and will certainly make myself available.

Returning to your question on simplicity; yes I expect my office to be of modest size. That will depend on the nature of the code itself and the obligations you impose on me. So I have no preconceived idea about that.

• (1700)

As to the position itself, what I envisage and what I have discussed with Senators Austin and Kinsella, is that this will be a permanent position for me for the first two years, which will give me time to set up the office, physically and otherwise, and to develop close relations with you and your colleagues.

I also want to travel a lot across Canada to meet experts, some of whom appeared before the committee chaired by Senator Milne, for instance, Mr. Ted Hughes in British Columbia, Mr. Clark in Alberta, people in practice in Quebec and Ontario, and people in academia. I think it is important that I have these meetings as quickly as possible.

But once the offices are set up and the machinery is in place, I think it will be a part-time position. I hope that answers your questions.

[English]

Senator Trenholme Counsell: Thank you for accepting our invitation today.

Like Senator Forrestall, I have great wealth in my children. I also have another great wealth, and that is with a considerable number of volunteer organizations in the non-profit sector, such as organizations involved with early childhood development, literacy, et cetera. One wonders whether there is any source of possible conflict between the fact that these organizations pursue sources of revenue sometimes from government, as in the case of literacy organizations, and my role as a senator.

Do you have a view on that kind of relationship, when one is a Canadian senator?

Mr. Fournier: It is a question that is very dear to my heart, and not just because of my interest in literacy. I was very much involved when David Crombie was my minister in establishing the literacy secretariat during the International Year of Literacy, and it is a subject that continues to be of great interest to me.

More to your point, on the issue of volunteer organizations and non-government organizations, I am a member of the Vanier Institute of the Family, an organization of which you probably know, named after Governor General Georges and Pauline Vanier as their legacy after serving our country. I was a member of the board when I was Deputy Solicitor General, and they very kindly invited me to resume my position as a member of the board now that I have returned to Canada.

[Senator Prud'homme]

I did discuss, when I was a deputy minister, the issue of the relationship, what you should do and what you should avoid, with Howie Wilson, who at the time was the government's Ethics Counsellor. He asked me to abide by fairly simple rules so I would not get myself into trouble. I am not sure that I can recollect them here and now, but there are some simple, common-sense rules that can be followed so that the expertise of members of this house, your own, continues to be available to volunteer organizations and non-government organizations in a way that is transparent and that recognizes that senators have a wealth of knowledge and that this knowledge ought to continue to be available to volunteer and non-government organizations.

Over the years, I have derived a great deal of satisfaction from the time that I have spent on the board of the Vanier Institute. I look forward to continuing to serve and, if you so wish, I will be happy to have further discussions with you or any senators who are members of volunteer boards and define the ways that will ensure that those relationships continue.

Senator Trenholme Counsell: You do not draw a hard and straight line between holding only an honorary position in an organization such as the Vanier Institute or any one of the thousands of others; you entertain the possibility that active membership can be undertaken?

Mr. Fournier: I was a very active member of the board of the Vanier Institute during my time as a Deputy Solicitor General. I believe that the reason they asked me to come back was so that I would continue to be active. I see no conflict between those roles. There are certain precautions — *précautions dans le sens français du terme* — that one should probably follow, but those would not prevent a member of this house from being an active member on such a board.

The Chairman: Honourable senators, I will now start a second round, starting with the Honourable Senator Cools.

Senator Cools: Mr. Fournier, I will ask you to remember that we collectively have 10 minutes. Share it with me.

Mr. Fournier: I promise to be brief.

Senator Cools: I will throw out a few ideas. I will begin with a word of advice for you in respect of your office — and I am not speaking of the size of the room. In respect of staff, take my advice; small is better. I say this because of my knowledge and understanding of the nature of human beings. You told us that you wish to serve the Senate. The officers of Parliament are called servants of Parliament, but we have seen many situations where the servants quickly become the masters.

My concern comes from the fact that I have read a lot and experienced a fair amount politically. I will ask you to comment in a second.

We are living in an era where the diminution and degradation of Parliament and members of Parliament are profound. There are times when I feel that the system is almost irretrievable. I had

viewed the creation of this ethics bill as a further diminution of Parliament to the extent that it purported to subjugate members of Parliament to the Prime Minister's office and to the Prime Minister's appointment.

I have another word of advice. I heard you mention the Leader of the Government in the Senate several times in your remarks. I am aware that you are a former deputy minister, so I would urge you and advise you strongly not to see Senator Austin, the Leader of the Government in the Senate, as perhaps your new minister. I put that to you.

My concerns come from a number of areas. This bill was called "ethics." We tried to persuade the government that the term "ethics" should not be used because the declarations that members will be making are in respect of financial interests. Ethics includes a vast set of areas other than financial interests.

I would like you to comment on the fact that this is not a neutral environment. If a senator or colleague in this place runs into difficulty, that difficulty is not dealt with in a neutral atmosphere. The situation would be an extremely politically charged one. The senator of whom I think Senator De Bané was speaking I do not believe ever really had a fair chance. I do not believe he was dealt with fairly. I do not think so — that is, if we are thinking of the same person, and we may not be.

My question to you is in the instance of your giving senators advice, particularly if a senator finds himself or herself in trouble.

• (1710)

One understands that the situation would be very charged. The media and everyone else would be all over you. In addition, colleagues would begin to have very interesting reactions, many of which are not very nice, many of which are spiteful, many of which are vindictive. I have seen these situations. You said yourself this is pioneering. Where would you look for guidance to discover how to deal with these kinds of situations?

I will throw out my next question — then I will sit down and wait for your answer. In the event of a very highly charged political situation, where many people are calling for blood both inside and outside of the Senate, where would you look for a conceptual framework and guidance to make sure that you yourself would not come into conflict with the Senate? It has been a concern of many senators that sooner or later the Senate or senators will find themselves in conflict with their own Senate Ethics Officer. We are musing here and sensing how we think and how we problem solve in difficult circumstances.

If you had a spiritual problem, I would say look to certain passages in Psalms or in the scriptures. Where would you look for guidance or templates or models to be able to manage problems that could, in a split second, reel totally out of control?

Mr. Fournier: Thank you, Senator Cools, for your question. I would hope that the kinds of situations that you describe will be few and far between. I see the code as being preventive to a very considerable extent. I would hope that the exchanges that I will have through this committee that we talked about and with individual senators on their own particular ethical dilemmas will

be fulsome and complete, and that we will be able to identify, well ahead of time, if not all, most of the ethical dilemmas and concerns that their own personal situations might give rise to.

It is hard work, but it can be done, and therefore would avoid feeding the voyeuristic expectations of the media, if I can use that expression within these four walls. That is best done through an honest and fulsome exchange of views. Individuals, and I include myself, often find it difficult to deal fully and honestly with their own particular situation. A third party, to the extent that the third party is cognizant of the facts, can assist in determining whether the particular issue or concern or situation will stand *The Globe and Mail* test, as it is often referred to. We can engage in discussions so that parliamentarians can arrange their affairs in a way that will minimize risk.

That being said, in the event that there are these kinds of incidents or media situations, I would consider it to be one of the jobs of my office to assist, to the extent that my office can, in ensuring that the senator's particular position and situation is well understood out there. In these kinds of crises, it is difficult for a minister, a member of the House or a senator to defend himself publicly. That is an unfortunate fact of our public life. It is often possible for an independent and impartial body, such as the office that you are proposing to create, to provide a value-added and to try to redress the balance of public opinion by providing facts. Perhaps I am showing some naivety here, but I have optimism that through a well-functioning office we can help to manage these kinds of situations as they arise and, more important, avoid them all together.

Senator Banks: In the kind of show business that I was in previously, as opposed to this kind, I occasionally was obliged to act in films, in order to be able to buy Kraft Dinner and keep the rain off. When I did that, I learned that the person who was responsible for staging the fights in films is called the fight choreographer. The fight choreographer with whom I had the pleasure of working with frequently was Jean P. Fournier. I hope you will not follow in his footsteps in this place.

The question I have is a question that I wish we had asked Mr. Radwanski when he appeared before us in this exact same circumstance. Do you know of any reason that you ought not to be appointed to the position for which we are now questioning you?

Mr. Fournier: No, senator.

Senator Cools: I thank Senator Banks for his intervention. Mr. Fournier, I was listening to you very carefully. I began my previous question by saying to you that members of Parliament have, as has Parliament itself, been so diminished with the growth of the Prime Minister's office and the bureaucracy. Bureaucracy in this place has grown manyfold since I arrived here in the Senate.

To my mind, the weakest person in the House of Commons and in this place is invariably the individual member or senator. Those are my sentiments. You said, in the face of very unfortunate and troubled circumstances where a senator has difficulties, that you will avoid being carried by the herd into a lynch mentality. You

said that part of your *modus operandi* will be your open, honest and professional relationship with individual senators. That is what I understood you to be saying.

• (1720)

In other words, you are not thinking of your ascending to this position in an aloof way; you are thinking of yourself as an adviser, as a person to assist. It would be your intention to maintain objectivity by maintaining relationships with each and every senator in an open, honest and professional way. Am I correct in that?

Mr. Fournier: Yes, senator.

Senator Cools: Then I thank you.

[Translation]

The Chairman: Mr. Fournier, on behalf of all honourable senators, I want to thank you for being here today.

Mr. Fournier: Thank you, Mr. Chairman.

[English]

Senator Austin: Honourable senators, I move, seconded by the Honourable Senator Kinsella, that in accordance with the section 20.1 of the *Parliament of Canada Act*, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Jean T. Fournier, of Ottawa, Ontario, as Senate Ethics Officer for a term of seven years.

[Translation]

The Chairman: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Chairman: Motion agreed to.

Honourable senators, shall I report the adoption of the motion by the committee?

Hon. Senators: Yes.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE— ADOPTION OF MOTION

Hon. Fernand Robichaud: Honourable senators, the Committee of the Whole has asked me to report the adoption of the following motion.

That in accordance with section 20.1 of the *Parliament of Canada Act*, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Jean T. Fournier, of Ottawa, Ontario, as Senate Ethics Officer for a term of seven years and that the committee has completed its proceedings.

[Mr. Fournier]

[English]

The Hon. the Speaker: It is moved by the Honourable Senator Austin, seconded by the Honourable Senator Kinsella, that the report of the Committee of the Whole be adopted now.

Are honourable senators ready for the question?

Senator Murray, you have a comment.

[Translation]

Hon. Lowell Murray: Honourable senators, before speaking on the appointment of Mr. Fournier, I wish to say that I share the concerns expressed by Senator Lynch-Staunton, that it would have been preferable to hear Mr. Fournier after we had adapted our code of conduct.

That said, I do recognize that the process has been the object of consultation between the government and opposition leaders, and I respect that. There is, however, nothing to prevent us calling him back once we have enacted our code.

[English]

Honourable senators, I simply want to say that during his long and honourable career in the public service, Mr. Fournier and I have encountered each other on various occasions. More than that, having been around here for a good long time, I am completely familiar with his excellent reputation for professionalism. Therefore, I have no hesitation at all in supporting his nomination to this important post in the service of Parliament and the Senate.

At the Committee of the Whole, he was asked the framework in which he would seek to address certain dilemma that might occur, certain complex issues that might occur. He was perhaps too modest to say so, but I would hope and expect that what he would consult at the end of the day would be an informed conscience. Anything I know about him leads me to believe that, if Mr. Fournier is consulting his informed conscience, we can have complete confidence in the result of that consultation.

Honourable senators are aware that whenever the issue of privacy versus access to information is raised — the normal tensions arise here — I always lean to the side of privacy, and that includes everybody else's privacy and my own. However, if the code of ethics that eventually will be passed here requires me to disclose personal information of various kinds to somebody, as I expect it will, there is nobody to whom I would confide this information with more confidence in his discretion and integrity than Mr. Fournier.

I will leave you only with a brief anecdote concerning Mr. Fournier. Some time in the late 1980s, I cannot recall exactly the date, he, as Under Secretary of State, and I, in a ministerial capacity, were dispatched by the then Prime Minister to Saskatchewan and Alberta to discuss with ministers and officials in those provinces the possibility of improving services to the francophone minorities there, and ways in which the federal government, financially and otherwise, might help. The negotiations were proceeding when, for some reason I cannot

recall, I was summoned back to Ottawa suddenly. I said to Mr. Fournier, "You are on your own, I have to go back to Ottawa," and he asked me a question, which I think was quite a reasonable one, which was, "What is my mandate?" I replied, "Do the best you can." I did that knowing full well that Jean Fournier's best would be surpassingly good, and so it turned out to be.

Honourable senators, again, I simply wanted to take the occasion, as one of the more senior members of this place now, and one who has been around Ottawa and politics and public life for a long time, to say that I am quite happy to support the nomination of Mr. Fournier. I believe he has given every indication in his dialogue with us this afternoon that he understands and is well aware of the complexity, the sensitivity and the importance of the position to which he may now be called, and that he will carry those responsibilities with great integrity and sensitivity. Therefore, I support the motion.

Senator Austin: I do not close debate by speaking, do I?

The Hon. the Speaker: There is a right of reply, so I will see Senator Cools.

Hon. Anne C. Cools: Honourable senators, I should like to say that I share some of those concerns that were raised. I was able to record some of my own concerns, but I do believe that perhaps this meeting today was a little premature. It could have been better, and enhanced, had it awaited the existence of the actual code of ethics.

• (1730)

Perhaps this meeting should have awaited that fact, and perhaps more senators would have been able to take part.

Another matter I would like to raise is that, to my mind, the creation or the choosing of the person to be appointed the Senate's first Ethics Officer is of such great moment and such enormity that it would have been better, I believe, had we chosen a time other than Thursday at four o'clock to have this meeting. Perhaps more senators could have been present. We all know that this time on Thursday evening is a very bad time for senators in respect of presence. I would hope that in the future such decisions of moment would be a little bit more sensitive to the attendance of senators. We could have been better served by even fuller debate.

Honourable senators, I would have liked to have seen in advance of the decision to go into Committee of the Whole, some debate on the actual motion itself, so that the record would show senator participation. I had hoped it would not just be the government doing the skeletal things, basic minimal things to get a decision. As much as we disagree, it is very important that when comes to these sorts of choices that some attempt at harmony, though not unanimity, be made. I would have thought that the situation could have been better served and better handled in a parliamentary way, the record would read a lot better if it would show more debate from senators. In point of fact, Mr. Fournier's qualifications should have been put onto the record by the senator moving the motion rather than Mr. Fournier sitting there and having to repeat things he did. In that way both Mr. Fournier and the Senate would have been better served.

This is perhaps my big burden in life, but I really do believe, honourable senators, that it is always better to do things properly.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I would like to thank everyone who has been so kind as to keep us, the non-aligned, informed.

[English]

I still do not consider myself an opposition member. I consider myself non-aligned. We are eight, almost 10 per cent of the Senate, which is a variety of opinion. I would say that I am very close to totally satisfied to have been consulted. I had an occasion to say my piece. I expressed my views as to what this office should be. I got up, knowing Mr. Fournier will read every word of what was said before and after his nomination, and that he will also consider the fact that there are eight non-aligned people. The only cloud in my mind is this representation of a committee of senators. I am concerned about those who are implementing the rules in this place because, after all, they will be different from us. I hear it will be a committee of three. These three will be different senators than us; there is no doubt about that. Mr. Fournier, whom I prefer to call "le jurisconsulte," must be made well aware that there are eight non-aligned senators who must address ourselves individually and who may not have the same services as others. It is a choice we made, but I am sure he is a good person who will understand the nuance I have just expressed.

Senator Austin has been, as usual, courteous and cooperative in giving me answers. Perhaps I did not know what questions to ask. That is my problem, but at least I am satisfied he answered the questions I asked him.

The Hon. the Speaker: Honourable senators, just the caution that we normally have in the chamber, I remind you that when a mover of a motion has a right of reply, if he speaks, his speech will have the effect of closing the debate. Is that understood?

Hon. Senators: Agreed.

Hon. Jack Austin (Leader of the Government): Honourable senators, I want to make a key point. What we are doing here is of institutional importance. It has no party or partisanship aspect to it whatever. We are acting in the best interests of this institution and its reputation for integrity and competence. We are acting together. Each of us has the same relationship to the Senate Ethics Officer and to the rules that will be produced by the Senate. There is no difference in the standing of any of us with respect to these matters.

I want to thank all colleagues for their participation here. I want to thank Senator Kinsella, who has worked with me side by side on the selection of a Senate Ethics Officer. I will even confess to the Senate, Senator Kinsella, that you initiated the suggestion of Jean Fournier with me. We have both known him in past careers, I was delighted with that fact.

I want to thank Senator Lynch-Staunton, who, before you became leader also worked with me, and we worked very effectively with respect to the possibility of another eminent person, but that was not to be.

Honourable senators, I think we have done very good work in this process. I believe that the majority of our colleagues will accept that we are moving in an appropriate order with respect to the Senate Ethics Officer and then the rules of conduct. When the Rules Committee reports to us we will again engage in the nature of those rules, and I am sure that Jean Fournier will take great interest in following that debate. Honourable senators, I thank you again.

The Hon. the Speaker: I will put the question. It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Kinsella, that the report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted

THE SENATE

CERTAIN SELECT COMMITTEES AND THE SPECIAL COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 23, 2005, moved:

That the Standing Senate Committees on Human Rights, National Finance, National Security and Defence, Official Languages, as well as the Special Senate Committee on the Anti-terrorism Act, be empowered, in accordance with rule 95(3), to sit on Monday March 7, 2005, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, could we get agreement to stand the other items on the Order Paper in their place until the next sitting of the Senate?

Hon. J. Michael Forrestall: Honourable senators could we do number 1, Reports of Committees?

Senator Rompkey: Honourable senators, is there agreement then that we would call and deal with that item and then stand other items on the Order Paper until we come back?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. senators: Agreed.

• (1740)

NATIONAL SECURITY AND DEFENCE**BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF VETERANS' SERVICES AND BENEFITS,
COMMEMORATIVE ACTIVITIES
AND CHARTER ADOPTED**

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget—Subcommittee on Veterans Affairs—Study on the services and benefits provided to veterans) presented in the Senate on February 23, 2005.—(*Honourable Senator Meighen*).

Hon. J. Michael Forrestall: Honourable senators, I wish to move this motion standing in the name of Senator Meighen.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned Monday, March 7, 2005, at 8 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 7, 2005, at 8 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, February 24, 2005

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0			
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10							
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications					
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples					
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance					
C-29	An Act to amend the Patent Act	05/02/15							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie-Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellfleet—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03							
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10							
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							

CONTENTS

Thursday, February 24, 2005

PAGE

PAGE

Visitor in the Gallery	
The Hon. the Speaker.	795

Royal Assent	
The Hon. the Speaker.	795

SENATORS' STATEMENTS

The Honourable Vivienne Poy	
Congratulations on Receiving Distinguished Alumni Award from Seneca College of Applied Arts and Technology.	
Hon. Rose-Marie Losier-Cool	795

The Late Tom Patterson, O. Ont., O.C.	
Hon. Michael A. Meighen.	796

Visit to Croatia	
Hon. Francis William Mahovlich.	796

The Stanley Cup	
Possible Awarding to Winners of National Women's Hockey League.	
Hon. Lorna Milne	797

ROUTINE PROCEEDINGS

Budget 2005	
Documents Tabled.	
Hon. Bill Rompkey	797

Social Affairs, Science and Technology	
Budget—Report of Committee on Study of State of Health Care System Presented.	
Hon. Joan Cook	797

Internal Economy, Budgets and Administration	
Fourth Report of Committee Presented.	
Hon. George J. Furey.	798

National Security and Defence	
Budget—Report of Committee on Study of National Security Policy Presented.	
Hon. Colin Kenny	798

Inter-Parliamentary Union	
One-hundred and Eleventh Assembly, September 28-October 1, 2004—Report Tabled.	
Hon. Donald H. Oliver.	799

The Senate	
Notice of Motion to Amend Rule 32—Speaking in the Senate.	
Hon. Eymard G. Corbin.	799

Budget 2005	
Notice of Inquiry.	
Hon. Noël A. Kinsella	799

Health	
Treatment of Autism—Presentation of Petition.	
Hon. Mac Harb	799

QUESTION PERIOD

Health	
Cox-2 Inhibitors—Public Hearings.	
Hon. Donald H. Oliver.	799
Hon. Jack Austin	799
Cox-2 Inhibitors—Request for Data on Clinical Trials.	
Hon. Donald H. Oliver.	799
Hon. Jack Austin	800

Public Works and Government Services	
Purchase of JDS Uniphase Complex.	
Hon. Jack Austin	800

Finance	
Budget 2005—Release of Possible Confidential Information to <i>National Post</i> .	
Hon. David Tkachuk	800
Hon. Jack Austin	800
Budget 2005—Fiscal Imbalance Between Provinces.	
Hon. Donald H. Nolin	801
Hon. Jack Austin	801
Budget 2005—Quebec— Opting Out of National Child Care Program.	
Hon. Pierre Claude Nolin	802
Hon. Jack Austin	802
Budget 2005—Renewal of Canada-community Agreements.	
Hon. Pierre Claude Nolin	802
Hon. Jack Austin	802

National Defence	
United States—Participation in Missile Defence Program— Possibility of Debate.	
Hon. Noël A. Kinsella	802
Hon. Jack Austin	803
United States—Participation in Missile Defence Program— Request for Documents.	
Hon. Noël A. Kinsella	803
Hon. Jack Austin	803
Budget 2005—Funding of Reserves.	
Hon. J. Michael Forrestall	803
Hon. Jack Austin	803

Delayed Answer to Oral Question	
Hon. Bill Rompkey	803

Agriculture and Agri-Food	
Bovine Spongiform Encephalopathy—Effect on Cattle Farmers. Question by Senator St. Germain.	
Hon. Bill Rompkey (Delayed Answer)	804

ORDERS OF THE DAY

Federal-Provincial Fiscal Arrangements Act (Bill C-39)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Sharon Carstairs	804
Hon. Lowell Murray	807

The Senate	
Motion to Appoint Ethics Officer, Jean T. Fournier, Adopted.	
Hon. Jack Austin	807
Hon. Anne C. Cools.	807
Referred to Committee of the Whole.	
Hon. Bill Rompkey	809
Hon. John Lynch-Staunton.	810
Hon. Jack Austin	810
Hon. Gerald J. Comeau	810
Hon. Anne C. Cools.	811

	PAGE
consideration in Committee of the Whole.	
Hon. Jean T. Fournier	812
Senator Kinsella	813
Senator Stratton	814
Senator Sibbeston	814
Senator De Bané	815
Senator Ringuette	815
Senator Cools	816
Senator Corbin	817
Senator Forrestall	817
Senator Prud'homme	817
Senator Trenholme Counsell	818
Senator Banks	820
Senator Austin	820
Report of Committee of the Whole—Adoption of Motion.	
Hon. Fernand Robichaud	820
Hon. Lowell Murray	821
Hon. Anne C. Cools	821
Hon. Marcel Prud'homme	822
Hon. Jack Austin	822

	PAGE
The Senate	
Certain Select Committees and the Special Committee	
Authorized to Meet During Adjournment of the Senate.	
Hon. Bill Rompkey	822
Business of the Senate	
Hon. Bill Rompkey	822
Hon. J. Michael Forrestall	822
National Security and Defence	
Budget and Authorization to Engage Services—Report of	
Committee on Study of Veterans' Services and Benefits,	
Commemorative Activities and Charter Adopted.	
Hon. J. Michael Forrestall	823
Adjournment	
Hon. Bill Rompkey	823
Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



